

**EXIDE TECHNOLOGIES  
BATON ROUGE SMELTER**

LDEQ-OES

OCT 18 01 08 41

PERMITS DIVISION

**HAZARDOUS WASTE  
CONTAINMENT BUILDING**

**CLASS 3 MODIFICATION REQUEST  
LAD 008 184 137**

**VOLUME I**

**RECEIVED**

OCT 17 2001

LA DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL SERVICES

**OCTOBER 2001**

**PREPARED BY:**

**PROVIDENCE ENGINEERING AND ENVIRONMENTAL GROUP LLC  
POST OFFICE BOX 84380  
BATON ROUGE, LOUISIANA 70808  
225-766-7400**

AI 1396  
LAD 008 184 137

original to RC-57  
copy to WAS/Peterson/Avy



LDEQ-OES

LDEQ-OES

'01 OCT 17 P2:51

'01 OCT 18 A8:46

**PROVIDENCE**  
ENGINEERING & ENVIRONMENTAL GROUP LLC

**PERMITS DIVISION**  
October 17, 2001

**PERMITS DIVISION**

Louisiana Department of Environmental Quality  
Office of Environmental Services  
Permits Division  
Post Office Box 82135  
Baton Rouge, Louisiana 70884-2135  
Attn: Ms. Bliss M. Higgins

**RECEIVED**

OCT 17 2001

LA DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL SERVICES

RE: Class 3 Hazardous Waste Permit Modification  
Exide Technologies  
Hazardous Waste Containment Building  
LAD 008 184 137  
Agency Interest No. 1396

**MAIN FILE**

Dear Ms. Higgins:

Providence Engineering and Environmental Group, LLC (Providence Engineering), on behalf of Exide Technologies (Exide), hereby submits a Class 3 Modification request to incorporate the existing hazardous waste containment building into the operating hazardous waste permit authorized by LAD 008 184 137.

In accordance with discussions with the Louisiana Department of Environmental Quality, Exide has utilized existing information such as previously submitted applications (Part I and II), as well as updated closure plans, cost estimates, contingency plans, certification documents and waste analysis plans in preparing this Class 3 modification request.

Included in this submittal are the responses to the IT Questions and a check in the amount of \$8,607.50 for the application fee as required by LAC 33:V.Chapter 51.

Thank you for your consideration in this matter. Should you have any questions or comments, do not hesitate to contact me at (225) 766-7400 or Mr. Steve Krul of Exide at (225) 775-3040

Sincerely,  
Providence Engineering and Environmental Group LLC

  
Todd Black  
Managing Partner

cc: Steve Krul, Exide  
Karla Vidrine, LDEQ



LDEQ-OES

# PROVIDENCE

ENGINEERING & ENVIRONMENTAL GROUP LLC

PERMITS DIVISION

RECEIVED

OCT 17 2001

LA DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL SERVICES

October 17, 2001

Louisiana Department of Environmental Quality  
Office of Environmental Services  
Permits Division  
Post Office Box 82135  
Baton Rouge, Louisiana 70884-2135  
Attn: Ms. Bliss M. Higgins

RE: Class 3 Hazardous Waste Permit Modification  
Exide Technologies  
Hazardous Waste Containment Building  
LAD 008 184 137  
Agency Interest No. 1396

Dear Ms. Higgins:

Providence Engineering and Environmental Group, LLC (Providence Engineering), on behalf of Exide Technologies (Exide), hereby submits a Class 3 Modification request to incorporate the existing hazardous waste containment building into the operating hazardous waste permit authorized by LAD 008 184 137.

In accordance with discussions with the Louisiana Department of Environmental Quality, Exide has utilized existing information such as previously submitted applications (Part I and II), as well as updated closure plans, cost estimates, contingency plans, certification documents and waste analysis plans in preparing this Class 3 modification request.

Included in this submittal are the responses to the IT Questions and a check in the amount of \$8,607.50 for the application fee as required by LAC 33:V.Chapter 51.

Thank you for your consideration in this matter. Should you have any questions or comments, do not hesitate to contact me at (225) 766-7400 or Mr. Steve Krul of Exide at (225) 775-3040

Sincerely,  
Providence Engineering and Environmental Group LLC

Todd Black  
Managing Partner

cc: Steve Krul, Exide  
Karla Vidrine, LDEQ

LDEQ-OES

01 OCT 18 A9:42

PERMITS DIVISION

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND THE REVERSE SIDE OF THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK

**EXIDE CORPORATION**

SCHUYLKILL METALS DIVISION  
P O BOX 74040  
BATON ROUGE, LA 70874

MELLON BANK, N.A.  
Pittsburgh, PA 15259

60-160  
433

**No. 4481044521**

44521

DATE

CHECK NO.

Eight Thousand Six Hundred-Seven and 50/100

**PAY**

CHECK AMOUNT

TO THE Dept of Environmental Quality  
ORDER Financial Svcs Div  
OF P O Box 82281  
Baton Rouge LA 70884-2281

10/17/01 \$\*\*\*\*\*8,607.50

EXIDE CORPORATION  
SCHUYLKILL METALS DIVISION

AUTHORIZED SIGNATURE

104481044521 1043301601 132006061



LDEQ-OES  
'01 OCT 18 A9:42  
PERMITS DIVISION

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND

THE REVERSE SIDE OF THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK

# EXIDE CORPORATION

SCHUYLKILL METALS DIVISION  
P O BOX 74040  
BATON ROUGE, LA 70874

MELLON BANK, N.A.  
Pittsburgh, PA 15259

No. 4481 044521

50 160  
433

82281

44521

CHECK NO.

DATE

Eight Thousand Six Hundred-Seven and 50/100

CHECK AMOUNT

PAY

TO THE Dept of Environmental Quality  
ORDER Financial Svcs Div  
OF P O Box 82281  
Baton Rouge LA 70884-2281

10/17/01 \*\*\*\*\*8,607.50

EXIDE CORPORATION  
SCHUYLKILL METALS DIVISION

AUTHORIZED SIGNATURE

11481044521 1043301601 132060611

LDEQ-OES

01 OCT 18 A9:42

PERMITS DIVISION

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND

THE REVERSE SIDE OF THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK

**EXIDE CORPORATION**

SCHUYLKILL METALS DIVISION  
P O BOX 74040  
BATON ROUGE, LA 70874

MELLON BANK, N.A.  
Pittsburgh, PA 15259

**No. 4481 044521**

60-180  
433

44521

CHECK NO.

DATE

Eight Thousand Six Hundred-Seven and 50/100

CHECK AMOUNT

**PAY**

TO THE Dept of Environmental Quality  
ORDER Financial Svcs Div  
OF P O Box 82281  
Baton Rouge LA 70884-2281

10/17/01 \$\*\*\*\*\*8,607.50

EXIDE CORPORATION  
SCHUYLKILL METALS DIVISION

AUTHORIZED SIGNATURE

104481044521 1043301601 1326061

LDEQ-CES

'01 OCT 17 12:51

PERMIT  
October 17, 2001

Louisiana Department of Environmental Quality  
Office of Environmental Services  
Permits Division  
Post Office Box 82135  
Baton Rouge, Louisiana 70884-2135  
Attn: Ms. Bliss M. Higgins

RE: Class 3 Hazardous Waste Permit Modification  
Exide Technologies  
Hazardous Waste Containment Building  
LAD 008 184 137  
Agency Interest No. 1396

Dear Ms. Higgins:

Providence Engineering and Environmental Group, LLC (Providence Engineering), on behalf of Exide Technologies (Exide), hereby submits a Class 3 Modification request to incorporate the existing hazardous waste containment building into the operating hazardous waste permit authorized by LAD 008 184 137.

In accordance with discussions with the Louisiana Department of Environmental Quality, Exide has utilized existing information such as previously submitted applications (Part I and II), as well as updated closure plans, cost estimates, contingency plans, certification documents and waste analysis plans in preparing this Class 3 modification request.

Included in this submittal are the responses to the IT Questions and a check in the amount of \$8,607.50 for the application fee as required by LAC 33:V.Chapter 51.

Thank you for your consideration in this matter. Should you have any questions or comments, do not hesitate to contact me at (225) 766-7400 or Mr. Steve Krul of Exide at (225) 775-3040

Sincerely,  
Providence Engineering and Environmental Group LLC

  
Todd Black  
Managing Partner

cc: Steve Krul, Exide  
Karia Vidrine, LDEQ



**PROVIDENCE**  
ENGINEERING & ENVIRONMENTAL GROUP, LLC

LDEQ-CES

'01 OCT 19

PERMIT

**RECEIVED**  
OCT 17 2001  
LA DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL SERVICES



**PROVIDENCE**

ENGINEERING & ENVIRONMENTAL GROUP LLC

LDEQ-1ES

PERMIT

**RECEIVED**

**OCT 17 2001**

LA DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL SERVICES

October 17, 2001

Louisiana Department of Environmental Quality  
Office of Environmental Services  
Permits Division  
Post Office Box 82135  
Baton Rouge, Louisiana 70884-2135  
Attn: Ms. Bliss M. Higgins

**RE: Class 3 Hazardous Waste Permit Modification**  
Exide Technologies  
Hazardous Waste Containment Building  
LAD 008 184 137  
Agency Interest No. 1396

Dear Ms. Higgins:

Providence Engineering and Environmental Group, LLC (Providence Engineering), on behalf of Exide Technologies (Exide), hereby submits a Class 3 Modification request to incorporate the existing hazardous waste containment building into the operating hazardous waste permit authorized by LAD 008 184 137.

In accordance with discussions with the Louisiana Department of Environmental Quality, Exide has utilized existing information such as previously submitted applications (Part I and II), as well as updated closure plans, cost estimates, contingency plans, certification documents and waste analysis plans in preparing this Class 3 modification request.

Included in this submittal are the responses to the IT Questions and a check in the amount of \$8,607.50 for the application fee as required by LAC 33:V.Chapter 51.

Thank you for your consideration in this matter. Should you have any questions or comments, do not hesitate to contact me at (225) 766-7400 or Mr. Steve Krul of Exide at (225) 775-3040

Sincerely,  
Providence Engineering and Environmental Group LLC

Todd Black  
Managing Partner

cc: Steve Krul, Exide  
Karla Vidrine, LDEQ

LDEQ-DEC

'01 OCT 17 22:51

PEH: [redacted]  
October 17, 2001

Louisiana Department of Environmental Quality  
Office of Environmental Services  
Permits Division  
Post Office Box 82135  
Baton Rouge, Louisiana 70884-2135  
Attn: Ms. Bliss M. Higgins

RE: Class 3 Hazardous Waste Permit Modification  
Exide Technologies  
Hazardous Waste Containment Building  
LAD 008 184 137  
Agency Interest No. 1396

Dear Ms. Higgins:

Providence Engineering and Environmental Group, LLC (Providence Engineering), on behalf of Exide Technologies (Exide), hereby submits a Class 3 Modification request to incorporate the existing hazardous waste containment building into the operating hazardous waste permit authorized by LAD 008 184 137.

In accordance with discussions with the Louisiana Department of Environmental Quality, Exide has utilized existing information such as previously submitted applications (Part I and II), as well as updated closure plans, cost estimates, contingency plans, certification documents and waste analysis plans in preparing this Class 3 modification request.

Included in this submittal are the responses to the IT Questions and a check in the amount of \$8,607.50 for the application fee as required by LAC 33:V.Chapter 51.

Thank you for your consideration in this matter. Should you have any questions or comments, do not hesitate to contact me at (225) 766-7400 or Mr. Steve Krul of Exide at (225) 775-3040

Sincerely,  
Providence Engineering and Environmental Group LLC

  
Todd Black  
Managing Partner

cc: Steve Krul, Exide  
Karla Vidrine, LDEQ



**PROVIDENCE**  
ENGINEERING & ENVIRONMENTAL GROUP LLC

LDEQ-DEC

'01 OCT 18 10:00

PEH: [redacted]

**RECEIVED**  
OCT 17 2001  
LA DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL SERVICES



**PROVIDENCE**  
ENGINEERING & ENVIRONMENTAL GROUP LLC

LDEQ-YES

PERMIT

**RECEIVED**

OCT 17 2001

LA DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL SERVICES

October 17, 2001

Louisiana Department of Environmental Quality  
Office of Environmental Services  
Permits Division  
Post Office Box 82135  
Baton Rouge, Louisiana 70884-2135  
Attn: Ms. Bliss M. Higgins

RE: Class 3 Hazardous Waste Permit Modification  
Exide Technologies  
Hazardous Waste Containment Building  
LAD 008 184 137  
Agency Interest No. 1396

Dear Ms. Higgins:

Providence Engineering and Environmental Group, LLC (Providence Engineering), on behalf of Exide Technologies (Exide), hereby submits a Class 3 Modification request to incorporate the existing hazardous waste containment building into the operating hazardous waste permit authorized by LAD 008 184 137.

In accordance with discussions with the Louisiana Department of Environmental Quality, Exide has utilized existing information such as previously submitted applications (Part I and II), as well as updated closure plans, cost estimates, contingency plans, certification documents and waste analysis plans in preparing this Class 3 modification request.

Included in this submittal are the responses to the IT Questions and a check in the amount of \$8,607.50 for the application fee as required by LAC 33:V.Chapter 51.

Thank you for your consideration in this matter. Should you have any questions or comments, do not hesitate to contact me at (225) 766-7400 or Mr. Steve Krul of Exide at (225) 775-3040

Sincerely,  
Providence Engineering and Environmental Group LLC

Todd Black  
Managing Partner

cc: Steve Krul, Exide  
Karla Vidrine, LDEQ

# TABLE OF CONTENTS

## VOLUME I

### Section

#### **1.0 INTRODUCTION**

#### **2.0 IT QUESTIONS**

#### **3.0 PART I PERMIT APPLICATION**

#### **4.0 PART II PERMIT APPLICATION**

Chapter 1	General Provisions and Definitions Responses
Chapter 3	General Conditions for Treatment, Storage, and Disposal Facility Permits
Chapter 5	Permit Application Contents
Chapter 7	Administrative Procedures for Treatment, Storage, and Disposal Facility Permits
Chapter 9	Manifests System for TSD Facilities
Chapter 11	Generators
Chapter 13	Transporters
Chapter 15	Treatment, Storage, and Disposal Facilities
Chapter 17	Air Emission Standards
Chapter 18	Containment Buildings
Chapter 19	Tanks
Chapter 21	Containers
Chapter 22	Prohibitions on Land Disposal
Chapter 23	Waste Piles
Chapter 24	Hazardous Waste Munitions and Explosives Storage
Chapter 25	Landfills
Chapter 26	Corrective Action Management Units and Temporary Units
Chapter 27	Land Treatment
Chapter 28	Drip Pans
Chapter 29	Surface impoundments
Chapter 30	Hazardous Waste Burned in Boilers and Industrial Furnaces
Chapter 31	Incinerators
Chapter 32	Miscellaneous Units
Chapter 33	Ground Water Protection
Chapter 35	Closure and Post-Closure
Chapter 37	Financial Requirements
Chapter 38	Universal Wastes
Chapter 39	Small Quantity Generators
Chapter 40	Used Oil

Chapter 41	Recyclable Materials
Chapter 43	Interim Status
Chapter 49	Lists of Hazardous Wastes
Chapter 51	Fee Schedules
Chapter 53	Military Munitions

## **VOLUME II**

## **APPENDICES AND FIGURES**

### **LIST OF APPENDICES**

#### **Appendix**

1	Letter Received from LDEQ dated February 22, 2000
2	Certification Statement
3	Solid Waste Management Units
4	Waste Analysis Plan (Revised)
5	Inspection Plan and Schedule
6	RCRA Contingency Plan and Emergency Response Plan
7	Groundwater Sampling and Analysis Plan
8	Training Manual
9	Closure/Post – Closure Plan
10	Surety Bond
11	Soil Boring Logs and Site Geology Report
12	Containment Building Certification Document
13	Operational Procedures: Dust Suppression and Feed Pile Inspection
14	Preapplication Meeting Minutes
15	Groundwater Sampling Results
16	Spill Prevention, Control and Countermeasures Plan
17	Waste Minimization Certification
18	Exide Technologies Used Oil Plan
19	Photographs

### **LIST OF FIGURES**

#### **Figure**

1	Site Location Map
2	Process Flow Diagram
3	Facility Plot Plan
4	Containment Building Map
5	Containment Building Floor Design



## **SECTION 1.0**

### **INTRODUCTION**

## 1.0 INTRODUCTION

Exide Technologies (Exide), formerly Schuylkill Metals Corporation, operates a secondary lead smelter and refinery that recycles lead-bearing materials into metallic lead pig and lead block ingots. The facility is located in Baton Rouge, East Baton Rouge Parish, Louisiana at 2200 Brooklawn Drive (Figure 1). The primary lead-bearing material recycled is spent lead acid batteries. Other lead-bearing materials recycled include lead dross, battery plant lead-bearing scrap (such as broken batteries), and emission control dusts from secondary lead smelting (K069). Figure 2 presents a Process Flow Diagram of the lead recycling process. Some of the raw materials used in the process and stored on site are classified as hazardous wastes by regulation. On September 30, 1993 the Louisiana Department of Environmental Quality (LDEQ) issued Exide a Hazardous Waste Permit (LAD008184137) to operate three container storage areas (the Truck/trailer Storage area, the K069/D008 Storage area and the Whole Battery Storage area). Exide also operates a hazardous waste treatment unit, the Slag Stabilization unit under its permit. Figure 3 shows these permitted areas.

In accordance with the letter received from the Louisiana Department of Environmental Quality, dated February 22, 2000 (Appendix 1), Exide is submitting this Class 3 Modification request to add the facility's hazardous waste containment building, currently operating under interim status, into Exide's existing operating permit.

The containment building at the Baton Rouge Smelter is comprised of three main areas. Areas 1 and 2 store hazardous waste while Area 3 is utilized as a production area (Figure 4). Areas designated as Area 1 are the Raw Material Storage Areas, which were constructed in 1991. These areas are used for the storage and mixing of dry hazardous wastes, scrap metals, drosses, slag, pastes, and battery components (lead-bearing materials). Area 2, the Paste Storage Area, is used for the initial staging of desulfurized lead pastes (pastes) from the battery breaking/desulfurization process prior to moving the paste to the Raw Material Storage Areas for mixing and staging. The paste stored in this area is visibly moist and on occasion, contains free liquids. Areas 1 and 2 store hazardous waste prior to processing through the furnaces in the Production Area of the plant (Area 3).

Exide, in accordance with discussion with LDEQ, has utilized existing information such as previous submitted applications (both Part I and II) as well as updated closure plans, cost estimates, contingency plans, certification documents and waste analysis plans in preparing this class III modification request. This modification request has been organized into four main sections to comply with the LDEQ submittal request. Section 1.0 contains a brief introduction, Section 2.0 contains the responses to the expanded IT Questions, Section 3.0 contains Part I Permit Application and Section 4.0 contains the Part II Permit Application. Responses have been provided in a citation-response format with the regulatory citation in bold type and the response in normal type. For those sections that are not applicable, it is stated that the section is not applicable and an explanation is provided as to why the section is not applicable. For those sections that require no change from the original application submittal, the response will indicate no change. Figures and appendices are also included where required and as appropriate.

## **SECTION 2.0**

### **IT QUESTIONS**

## **REVISED EXPANDED "IT DECISION" QUESTIONS**

Environmental permit application modifications (both new and existing facilities) are required to provide relevant information in response to questions commonly referred to as "IT Questions", which address the potential for facilities to adversely impact the human and natural environment in the vicinity of the proposed or existing facility. These responses must be considered by the Louisiana Department of Environmental Quality, LDEQ, during the decision-making process on environmental permits pursuant to the Louisiana Supreme Court decision in the case of Save Our Selves, Inc. vs. Louisiana Environmental Control Commission. While this ruling was designed to address impacts associated with new facilities, existing facilities must consider the impact of continued operations versus the impacts of constructing a new facility at a different location. Exide Technologies, (Exide) Baton Rouge Smelter has been operating in East Baton Rouge Parish since 1969. During this time the facility has demonstrated an excellent record of environmental compliance and continues to provide economic benefits to the parish from a facility where the primary environmental impacts involved the facility footprint established over 30 years ago. The following responses clearly demonstrate that potential adverse environmental impacts resulting from continued operation of the facility have been appropriately addressed and pale in comparison to the alternative of constructing a new facility in East Baton Rouge Parish to provide this service.

### **I. Have the potential and real adverse environmental effects of the proposed facility been avoided to the maximum extent possible?**

The Exide Baton Rouge Smelter is an existing recycling facility, where spent lead acid batteries and lesser quantities of other lead-bearing materials are processed to recover their lead content. This facility has been in operation since 1969 without adverse impacts on the environment. The hazardous waste containment building is currently regulated under interim status provisions of the LDEQ Regulation, and is in substantial compliance with all applicable regulations. Proposed upgrades to portions of the containment building that are included in this submittal will provide for further protection of the environment.

The potential and real adverse environmental effects of the hazardous waste containment building have been avoided to the maximum extent, by the design of the facility and by its operation and maintenance programs.

The container storage areas used to temporarily store batteries and other lead-bearing materials are curbed areas with impervious liners to contain rainfall and protect the groundwater. The rain runoff from these areas is treated by the facility's wastewater treatment unit prior to discharge under its water discharge permit. Airborne discharges, if any, from the container storage areas are kept to a minimum through dust suppression.

The facility also has a personnel training program, a Waste Analysis Plan, a Spill Prevention Control and Countermeasure Plan (SPCC), RCRA Contingency Plan (CP), etc., all developed to minimize the impact on the environment by the facility.

**A. What are the potential environmental impacts of the permittee's proposed facility?**

Exide is a secondary lead smelter that recovers lead ingots from lead-bearing material and does not generate hazardous waste to be disposed of on-site.

**1. What wastes will be handled?**

Exide receives materials classified as hazardous, non-hazardous, and exempt materials. The hazardous lead-bearing materials are brought to the site in closed drums and in used batteries. These materials are inspected in accordance with Exide's Waste Analysis Plan and properly handled and stored prior to recycling or disposal. The classification codes of the hazardous waste received at the facility are discussed below:

**a. Classes of chemicals**

Exide handles characteristic hazardous waste, listed hazardous waste, and industrial solid waste. Exide has a strict screening process that the generators must comply with prior to the material being accepted by the facility. Exide does not accept any material that contains organic constituents, PCBs, organic lead, or metallic aluminum. Additionally, material is not accepted that contains any free liquids.

**b. Quantities (hazardous and non hazardous)**

Exide is estimated to handle approximately 330,000 tons of hazardous waste annually. Approximately 75% of the hazardous waste handled by the facility is spent lead-acid batteries or battery components. See Attachment 1 for estimated quantities of the materials handled by the Baton Rouge Smelter.

**c. Physical and chemical characteristics**

The wastes handled by Exide are mainly comprised of lead bearing materials which are recycled and blast furnace slag. The lead-bearing recyclable materials substantially retain their physical characteristics from delivery.

Exide maintains a Waste Analysis Plan to document the procedures that will be used to characterize incoming material and to determine that incompatible materials are separated. The Waste Analysis Plan consists of an

introduction, a background section describing the general operation of the Baton Rouge Smelter, a procedures section, describing the analytical procedures used at the facility, and a section describing outside laboratory services. These sections discuss the standard operating procedures for slag analysis, digestion of slag for metals analysis, analysis of incoming materials, and qualification of recycle/reclaim materials. Additionally, Exide employs a strict screening process the generators must comply with prior to the material being accepted by the Baton Rouge Smelter. These screening procedures are used to verify chemical and physical characteristics and completing waste profiles of the incoming waste.

Most of the materials used by the Baton Rouge Smelter to produce lead are purchased off-site. However, as part of the lead recycling, a blast furnace slag is generated. The blast furnace slag exits the furnace in a molten state and is cast into iron pots. The slag solidifies and is cooled to room temperature. It is then dumped from the pots, broken up and separated into recyclable and stabilized fractions. Visual and chemical analyses are used to separate the slag into fractions for further recycling or for disposal.

The recycle portion of the slag is refined or further recovered for lead. The blast furnace slag is characteristically hazardous waste because it contains lead at concentrations greater than the regulatory threshold limit of 5 mg/L. Therefore, the disposal portion of the blast furnace slag is treated with Portland cement and sodium silicate in the permitted stabilization unit. This stabilized slag is disposed of in Exide's permitted on-site solid waste landfill. The recycled lead is shipped off-site as ingots, blocks, or billets. Any unacceptable incoming materials are stored appropriately before being disposed of off-site in an approved facility.

**d. Hazardous waste classification (listed, characteristic, etc.)**

Please see Attachment 1 for a table listing all of the hazardous waste materials including their hazardous waste classification received at the facility.

## **2. How will they be handled?**

Exide does not treat, store, or dispose of hazardous wastes that generate leachate. Figure 2 provides a flow diagram showing the reclamation process utilized by Exide. Generally, material is received by the receiving area where it is sampled and inspected. The material is stored in its designated area (*i.e.*, battery truck trailer storage, battery on pallet storage, K069/D008 container storage, etc.) based upon the material type. Lead acid batteries go through a battery breaking operation before being sorted by the components (*i.e.*, sulfuric acid collection filter, polypropylene stage, battery plates/oxide storage, etc.). Materials from the K069/D008 Container Storage, Group II Recyclable material container storage, battery plates/oxide storage, separators/hard rubber storage, and metallic lead grids and posts storage are processed in the blast furnace and reverb furnace. Slag from the reveratory is then refined or further recovered for lead. The disposal portion of the blast furnace slag is treated with Portland cement and sodium silicate in the slag stabilization unit. A sample of the stabilized slag is collected and sent to a contract laboratory for Toxicity Characteristic Leaching Potential (TCLP) toxicity analysis in accordance with EPA approved procedures. This stabilized slag is disposed of in Exide's permitted on-site solid waste landfill. The recycled lead is shipped off-site as ingots, blocks, or billets.

Any accidental spills will be immediately remediated according to the SPCC, and the wash water will be directed to the wastewater treatment plant prior to discharge.

### **a. Treatment**

Exide recycles the lead from spent batteries and other lead-bearing materials for reuse. Exide stabilizes a fraction of the blast furnace slag in the slag stabilization unit using Portland cement and sodium silicate. As previously discussed, a sample of the stabilized slag is collected and sent to a contract laboratory for TCLP toxicity analysis in accordance with EPA approved procedures. Once the stabilized slag is determined to be non-hazardous based on the TCLP results, the slag is disposed of in Exide's permitted on-site solid waste landfill. The recycled lead is shipped off-site as ingots, blocks, or billets.

### **b. Storage**

Exide stores hazardous waste on-site in the containment building and in permitted hazardous waste container storage

areas. These areas and the containment building are maintained to meet all applicable environmental regulatory requirements. The purpose of this current hazardous waste permit modification is to upgrade the containment building to be more protective of the environment. All materials are stored in their designated areas in accordance with applicable state and federal regulations.

The facility has a personnel training program, Waste Analysis Plan, an SPCC plan and a RCRA Contingency Plan, (CP) etc., all developed to minimize the impact of spills and releases on the environment by the facility.

**c. Disposal**

As stated previously, Exide does not dispose of any hazardous waste onsite. All hazardous waste is disposed of off-site at an approved disposal facility. Incoming hazardous materials that do not meet the incoming material strict screening process are disposed of offsite at an approved facility.

Exide occasionally generates hazardous wastes D006/D008 (refractory bricks) from maintenance and/or replacement of firebricks in the furnace inner lining. Exide also generates used motor oil that is recycled by International Petroleum Corp., and petroleum naphtha solvent from regular maintenance of machineries that is reclaimed by Safety-Kleen Systems, Inc. Exide intermittently receives spent nickel-cadmium (D006) batteries intermingled with lead-acid batteries. The spent nickel-cadmium batteries are accumulated and stored in drums prior to shipment off-site.

Refractory bricks that are generated are either recycled in the blast furnace or sent off-site to be disposed of in a permitted commercial hazardous waste landfill. The bricks are not stored prior to shipment offsite, but are taken out of the furnace and loaded directly onto a truck roll off container for off-site commercial disposal. If the bricks are to be recycled onsite, they are containerized for storage prior to recycle.

Exide does generate stabilized blast furnace slag, a non-hazardous solid waste, which is disposed of on-site in a permitted solid waste landfill. The stabilized slag is sampled in accordance with the Waste Analysis Plan to ensure the waste meets federal and state non-hazardous waste regulations.



### **3. Sources of waste**

#### **a. On-site generation (type and percentage of total handled)**

As discussed above, Exide occasionally generates hazardous waste D006/D008 (refractory bricks) waste from maintenance and/or replacement of firebricks in the furnace inner lining, and used motor oil and petroleum naphtha solvent from regular maintenance of machineries. The refractory bricks make up approximately 0.06% of the total material received by Exide. The majority of the hazardous material received by Exide is recycled and reclaimed. The refractory bricks usually make up all of the hazardous waste generated on-site. The solvent is disposed of offsite by an authorized handler. As discussed previously, the disposal portion of the blast furnace slag is stabilized using Portland cement and sodium silicate and is no longer characterized a hazardous waste.

Exide intermittently receives spent nickel-cadmium (D006) batteries intermingled with lead-acid batteries. The nickel-cadmium batteries make up approximately 0.07% of the hazardous materials handled by Exide. The spent nickel-cadmium batteries are accumulated and stored in drums prior to shipment off-site. The spent nickel-cadmium batteries are not generated on-site by Exide.

#### **b. Off-site generation (type and percentage of total handled)**

Lead bearing materials for recycling are the only off-site generated hazardous wastes received by Exide. Exide does intermittently receive spent nickel-cadmium (D006) batteries intermingled with the lead-acid batteries. These batteries are properly stored for future disposal at an off-site facility. Additionally, any unacceptable hazardous materials received by Exide will be properly stored for future disposal offsite. It is difficult to determine the percentage of the total waste handled due to the intermittent nature of the materials received.

### **4. Where will the wastes be shipped if not handled at this site?**

Exide does not dispose of hazardous waste on-site. Any hazardous waste generated is shipped for disposal at a permitted hazardous waste management facility. Exide contracts with Safety Kleen to remove spent solvents and International Petroleum to remove used oil. Due to the intermittent accumulation of the refractory bricks (D006/008) and spent nickel-cadmium batteries (D006), Exide will contract with a permitted hazardous waste disposal facility on an as needed basis to dispose of these materials.

**5. What wastes will remain on-site permanently?**

No hazardous wastes will remain on-site permanently. The disposal portion of the blast furnace slag will be stabilized in the slag stabilization unit using Portland cement and sodium silicate. The stabilized blast furnace slag does not exhibit the characteristics of a hazardous waste. The stabilized blast furnace slag and construction debris that are generated by the facility will be disposed of in an on-site permitted solid waste landfill.

**B. By which of the following potential pathways could releases of hazardous materials from the proposed facility endanger local residents or other living organisms?**

**1. Air**

The potential exists that lead-containing dust could be released through the air. Exide minimizes this potential by containing lead-bearing materials in a containment building that is equipped with a negative air filtration system and by the occasional use of dust suppression liquids. Exide's containment building is completely enclosed with floors, walls (primary barrier system) and a roof, with some of the walls providing openings necessary to accommodate operations. The ventilation system for the containment building keeps a constant inward airflow (negative pressure) on all of the emission sources, which minimizes the potential for any fugitive emissions. These controls prevent the exposure of the lead bearing materials within the containment building to the elements, and ensure their containment.

**2. Water**

The potential exists that hazardous materials could be released through surface water discharge. Exide minimizes this potential by routing all on-site storm and wastewater through a wastewater treatment system prior to discharge through the permitted outfall that is monitored by the requirements of Exide's LPDES permit.

The facility has a personnel training program, a Waste Analysis Plan, a SPCC, and a CP, etc., all developed to minimize the impact of spills and releases on the environment by the facility.

**3. Soil**

The potential exists for soils in the immediate vicinity of Exide to be impacted by hazardous materials. Exide minimizes this potential through the implementation of environmental controls including a lined, self-contained building for the storage of hazardous material, and a composite lined landfill for the storage of solid waste.

Furthermore, Exide maintains a groundwater monitoring system designed to monitor and detect subsurface impact. This system provides early detection of releases thereby further protecting any local residents or other living organisms.

**4. Food**

No food production or handling occurs in the vicinity of the Exide facility. Therefore, food is not a recognized pathway for the release of hazardous materials.

**C. What is the likelihood or risk potential of such releases?**

The risk potential for releases to air, water, or soil exist. However, each of the potentials are minimized by the use of control technology. The facility has a personnel training program, a Waste Analysis Plan, a SPCC a CP, etc., all developed to minimize the impact of spills and releases on the environment by the facility.

**D. What are the real adverse environmental impacts of the permittee's proposed facility?**

**1. Short term effects**

**a. Land area taken out of system**

The land area at this facility was taken out of the natural system when the facility was built approximately 30 years ago. Therefore, impacts to land have already been realized. The proposed modifications to the existing containment building do not involve an expansion of the existing footprint of the facility and consequently, will not impact further land area.

**2. Long term effects**

This facility is not designed for disposal of hazardous waste, therefore concerns for long-term effects are greatly minimized. The environmental controls that are in place at the facility also greatly minimize the potential for the surrounding environment to be impacted with contaminants. Exide is seeking to modify an existing storage area (containment building) to utilize state of the art technology to further reduce potential environmental impact.

The procedures for partial closure of the container storage areas and final closure of the facility is given in the Closure Plan. Exide is not seeking a permit for a hazardous waste land disposal facility.

Additionally, Exide is not seeking a permit for land disposal that requires post-closure care monitoring. The closed hazardous waste piles are governed under a Post-Closure Permit.

**II. Does a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the proposed facility demonstrate that the latter outweighs the former?**

The social and economic benefits of the Exide facility, by any reasonable measure, far outweigh any environmental costs. In fact, the recovery of lead from spent batteries for reuse, compared to the alternative of disposing of spent batteries in waste piles or landfills, is very beneficial to the environment. Related potential impacts to the environment such as spills, are minimized by the design, maintenance and operation of the facility.

The Exide facility is located in a sparsely populated industrialized area, remote from commercial or residential centers. The facility employs approximately 120 people, mostly from the greater Baton Rouge and Baker areas. Additionally, Exide contributes to the financial well being of local suppliers and vendors significantly.

In contrast, the environmental costs, if any, are very small. As mentioned before, the recycling of lead batteries is beneficial to the environment. With respect to spills or releases that could adversely affect the environment, the Exide facility is designed so that K069, D008 and other Group I hazardous wastes are received and stored in the container storage areas. These materials are packaged in sealed containers placed on pallets. The materials are neither ignitable, reactive, or incompatible and do not contain free liquids. Exide adheres to applicable regulations. Exide also employs a strict screening process to ensure that the incoming hazardous materials are segregated and stored in the appropriate locations.

The lids are kept on containers at all times, except when adding to or removing contents from the containers. Leaking or structurally unsound containers are corrected immediately.

Battery plates/oxide/lugs are received and stored in the Containment Building. The area is under a roof, on an impervious base, and does not contain free liquids. Run on and run off is prevented by building design construction.

Group II recyclable materials are received in containers and stored on pallets on an impervious concrete base, under a roof. Run on and run off is prevented by building design and construction. These materials are neither ignitable, reactive, or incompatible and do not contain free liquids. The covers are kept on containers at all times except when adding to or removing contents from the containers. Leaking or structurally unsound containers are repaired or replaced immediately.

On an infrequent basis, furnace refractory bricks are replaced. The old bricks are either recycled in the blast furnace or sent off-site to be disposed of in a commercial hazardous waste landfill. The bricks are not stored prior to shipment off-site, but are taken out of the furnace and loaded directly onto a truck roll off container for off-site commercial disposal. If the bricks are to be recycled on site, they are containerized for storage prior to recycle. This storage is exempt under LAC 33:4105.B.15.

On a small portion of lead battery shipments, nickel-cadmium batteries may be integrated within the load. These batteries cannot be recycled, but are accumulated and stored in drums in van trailers on the Truck Trailer Container Storage Area prior to shipment off-site. The containers are shipped off-site in a truckload quantity to a recycling facility to be reclaimed.

**A. How was it determined that this facility was needed?**

The lead recovered from the lead-bearing materials is the primary consumer product generated. However, the lead product is not sold to the general public, but rather to manufacturing companies which turn them into consumer products. For example, in 1997, Exide Technologies (nation wide) recycled over 20 million batteries and sold over 25 million new batteries manufactured from recycled materials.

**1. Local or regional survey**

This facility is a recycling facility already in existence. The facility began operation approximately 30 years ago and serves the entire southeast United States.

**2. On-site or off-site needs**

Inherently the battery recycling process generates some amounts of hazardous wastes. Safe storage of the hazardous wastes are a necessity prior to disposal off-site/treatment. The total environmental liabilities associated with this storage activity are minimal compared to the benefits of preventing whole batteries from being disposed of in landfills. As stated previously, Exide Technologies (nationwide) recycled over 20 million batteries in 1997 that would have potentially been placed in a landfill if not recycled for future use.

**3. Regional solid waste management benefit**

There is a great need and benefit for a facility to recycle batteries. The alternative to recycling used batteries is to dispose of them in a landfill, which is a much less desirable method of handling batteries.

**4. Generic survey of solid waste needs (compatibility with master plan)**

Exide does generate stabilized blast furnace slag, a non-hazardous solid waste, which is disposed of in a permitted solid waste landfill. The stabilized slag is sampled in accordance with the waste analysis plan to ensure the waste meets federal and state non-hazardous waste regulations. A small quantity of office (municipal) solid waste is generated through daily business operations. This municipal solid waste is disposed offsite at a permitted facility.

**B. What will be the positive economic effects on the local community?**

- 1. How many permanent jobs will be created?**
- 2. What is the expected annual payroll?**
- 3. What is the expected economic multiplier from item B2?**
- 4. What is the expected tax base and who will receive benefits?**

The facility currently has approximately 120 full time employees. The facility's current annual payroll is approximately \$4,512,000. Since the Exide facility is existing there will be no change in tax base. The current primary tax base is in East Baton Rouge and surrounding parishes.

**C. What will be the potential negative economic effects on the local community?**

- 1. What are the possible effects on property values?**

Exide is an existing facility, so the issuance of this modification will not change the current market value of the surrounding properties.

- 2. Will public costs rise for:**
  - a. Police protection**
  - b. Fire protection**
  - c. Medical facilities**
  - d. Schools**
  - e. Roads (also see below)**

As an existing facility, the costs associated with the above items already exist. The modifications to the containment building would not increase the costs associated with the items over the present value. Additionally, Exide pays federal, state, and local taxes which help in the maintenance of upkeep of the referenced public sectors.

- 3. Does the prospective site have the potential for precluding economic development of the area by business or industries because of risk associated with establishing such operations adjacent to the proposed facility?**

The existing Exide facility is located in a highly industrialized area. Therefore, the facility does not have the potential for precluding economic development.

**D. Was transportation a factor in choosing the proposed site?**

Not applicable, the question addresses commercial disposal facility, which Exide is not.

**1. What mode(s) of transportation will be used for the site?**

**a. Truck**

The lead-bearing materials are usually brought in on truck trailers. The materials are relocated from the truck trailer parking area by forklift to the container storage area for processing. They are palletized in their original containers and are properly labeled.

Wastes transported for offsite disposal are stored in DOT approved containers. The wastes are compatible with the containers, and properly labeled and manifested in accordance with LAC and DOT regulations.

The commercial transporters used by Exide are responsible for transportation of hazardous waste (D006/D008) to the hazardous waste disposal facility. Exide is responsible for distribution and transportation of lead-bearing material to internal facilities. All trucks are properly manifested and labeled prior to release from Exide.

Exide schedules the receipt of lead-bearing materials and spent lead-acid batteries to minimize and prevent the storage time needed prior to recycling.

The routes have existed for many years and are the responsibility of the transporters. Effects on area traffic and road conditions are negligible.

**b. Rail**

Exide uses rail transportation to bring in process material and to ship products. Rail transportation makes up only 5% of the traffic at the Baton Rouge Smelter.

**c. Barge**

Barges are not used for transportation at the facility.

**d. Other**

No other forms of transportation are used at the site.

**2. What geographical area will it serve?**

The Exide Baton Rouge Smelter receives spent lead acid batteries and lead bearing materials from the entire Southeastern United States.

**3. By how much will local road traffic volume increase?**

The Exide facility is existing and the current road network is sufficient. Exide has no plans for upgrades at this time, therefore no increase in traffic volume over the current level is expected.

**a. Can local roads handle the traffic volume expected?**

As stated previously, due to the current existence and operation of the facility, the roads associated with the facility can handle the traffic volume.

**b. Can local roads handle the weight of trucks?**

As stated previously, due to the current existence and operation of the facility, the roads associated with the facility can handle the weight of trucks associated with the facility.

**4. What are the long-term expectation of the proposed site?**

The long term-term expectation of the site is to remain in operation until the closure of the facility.

The procedures for partial closure of the container storage areas and final closure of the facility is given in the Closure Plan. Exide is not seeking a permit for a hazardous waste land disposal facility.

Exide is not seeking a permit for land disposal that requires post-closure care monitoring. The closed hazardous waste piles at the site are governed under an existing Post-Closure Permit.

Exide currently occupies the site.



**1. Longevity of the facility**

The final closure date of the facility has not been determined. For permitting purposes, the approximate timeframe that the facility is expected to continue operation is until the year 2021.

**2. Who owns the facility?**

Exide Technologies

**3. Are the owners financially backed by others?**

No

**4. When is closure anticipated?**

The container storage areas are expected to continue to exist in conjunction with the facility until about the year 2021 or at the end of the life expectancy of the facility, whichever is later.

**5. Who is responsible for the site after closure?**

Exide Technologies

**6. What assurances will there be that the site will be closed in accordance with the plan?**

Exide maintains a surety bond for financial assurance obligations, to ensure the facility will be properly closed.

**7. What financial assurances will be established to demonstrate the ability to handle problems after closure?**

Exide maintains a surety bond for financial assurance obligations, to ensure the facility will be properly closed.

**8. Who certifies that the site is properly closed?**

Exide will work with LDEQ to ensure the site is closed in accordance with the closure plan.

**9. How are people protected from unwittingly buying land after closure?**

The hazardous waste units at the Exide Baton Rouge Smelter will be clean closed, therefore this citation does not apply.

**a. Is the closed facility recorded in the deed?**

The Containment Building will be clean closed. However, Exide will record any facilities closed in place into the mortgage and conveyance records.

**b. What future uses are possible?**

Due to the area surrounding the facility, future uses of the property have a high probability of being industrial related.

**III. Are there alternative projects which would offer more protection to the environment than the proposed facility without unduly curtailing nonenvironmental benefits?**

There are no known alternatives to the Exide recycling facility which would offer more protection to the environment.

Also, this is the only facility providing this service in the state of Louisiana.

**A. Why was this technology chosen (e.g., incineration over landfilling?)**

Recovery of lead from spent lead batteries and other lead-bearing material for reuse, compared to the alternative of disposing of spent batteries in a waste pile or landfill, is very beneficial to the environment and fulfill the general waste minimization program through reuse/recycling of hazardous waste materials.

**1. Are other technologies available?**

There are no known alternatives to the Exide recycling process which would offer more protection to the environment.

Exide is not a hazardous waste disposal management facility. Spent lead-acid batteries are reclaimed through the secondary lead smelting.

**2. Describe the engineering design and operating techniques used to compensate for any site deficiencies.**

There are no deficiencies at Exide's site that require any specific engineering design and operating techniques.

**B. Is the proposed technology an improvement over that presently available?**

Exide is involved in recycling rather than disposing of lead and lead-bearing materials. This technology is more environmental friendly than

disposing and/or landfilling spent batteries and other lead-bearing materials. The modification to the containment building will incorporate state-of-the-art technology involving waste handling, liner systems, liquids management and ventilation.

**C. Describe the reliability of technology chosen.**

Exide processes spent lead and lead-bearing materials into lead ingots so that the lead can be reused instead of being disposed. Exide has been in operation for over 30 years utilizing lead recycling processes. The process track record shows that the process is a proven and reliable process.

**1. Past experiences.**

In 2000, the Baton Rouge Smelter recycled 59,700 tons of lead.

**2. Environmental Impacts**

While the potential exists for environmental impacts in the vicinity of the facility, the overall benefits from the recycling process used by Exide greatly benefit the environment by eliminating many batteries from disposal in landfills.

**D. Describe the sequence of technology used from arrival of wastes to the end process at the facility (flow chart).**

A process description has been incorporated into the Original Part II RCRA Permit Application in response to LAC 33:V.517.A. In addition, a process flow diagram is included as Figure 2 of this document.

1. Analysis of waste
2. Unloading
3. Storage
4. Treatment
5. Monitoring
6. Closure
7. Post-closure
8. Disposal
9. Any residuals requiring further handling

**E. Will this facility replace an outmoded/worse polluting one?**

This modification provides for an upgrade of an existing hazardous waste containment building with a secondary containment and leak detection system.

**F. What consumer products are generating the waste to be disposed? Are there alternative products that would entail less hazardous waste generation?**

The lead recovered from the lead-bearing materials is the primary consumer product generated. However, the lead product is not sold to the general public, but rather to manufacturing companies that turn them into consumer products. For example, in 1997, Exide Technologies (nation wide) recycled over 20 million batteries and sold over 25 million new batteries manufactured from recycled materials. In 2000, the Baton Rouge Smelter recycled 59,700 tons of lead.

**IV. Are there alternative sites which would offer more protection to the environment than the proposed facility site without unduly curtailing nonenvironmental benefits?**

Exide is an existing facility and the cost of relocating the facility would be prohibitive. The Exide facility has been in operation since 1969 and has been in compliance with all existing, applicable environmental regulations with minimal impact to the environment. Alternative sites, would not offer more protection to the environment, and would adversely impact non-environmental benefits. The existing site is located in a relatively remote industrial area, apparently ideally situated for this type operation. The local geology and topography has also proven to be suitable for the facility. A good transportation infrastructure (river, highway, and railroad) system are already in place that allow for Exide to effectively serve the region.

**A. Why was this site chosen?**

This site was chosen because it is an existing facility. To relocate it would not result in any environmental benefit. Furthermore, the facility is centrally located, with access to major transportation routes.

**1. Specific advantages of the site;**

As stated previously, the site is existing and is located in a relatively remote industrial area, apparently ideally situated for this type operation. The local geology and topography has also proven to be suitable for the facility. A good transportation infrastructure (river, highway, and railroad) system are already in place that allow for Exide to effectively serve the region.

**2. Were other sites considered and rejected?**

Evaluation of the site may have been considered in the 1960's during the initial planning and construction of the facility. Since the site is an existing facility in operation, no other specific sites were evaluated.

**3. Is the location of the site irrevocable; i.e., would denial of permit based on site preclude the project?**

Yes, if the facility was forced to move from its location, the cost associated with rebuilding the facility and infrastructure would prohibit the construction of the facility at another site.

**B. Is the chosen site in or near environmentally sensitive areas?**

No. The site is not in a wetland, estuary, shoreline, flood-prone area, aquifer recharge zone, endangered species critical habitat, hurricane storm surge area, prime agricultural area, historical or culturally significant area, and is not in close proximity to residences or schools. The Exide facility is located at the end of East Baton Rouge Parish Road Brooklawn Drive which provides access from Highway 61 to industrial facilities, primarily Reynolds Metals, Union Tank Car, and the Old Petro Processors. The Irene and Alsen Communities and the State Industrial School for Boys are outside the two-mile radius of the facility.

**C. What is the zoning and existing land use of the prospective site and nearby area?**

The zoning of the site is industrial. The nearest communities (Irene and Alsen) are over two miles away from the facility.

**1. Is the site located near existing heavy industrial, chemical process or refinery operations?**

The site is located in a highly industrialized area.

**2. Is there a precedent for chemical contamination near the site or is the soil and water pristine?**

The site has been developed for industrial activity since 1969 and the soil and water would not be considered "pristine".

**3. Is the area particularly noted for its esthetic beauty?**

The area is developed industrially and is not noted for its esthetic beauty.

**D. Is the site flood prone?**

Exide is an existing facility located in Zone C, an area of minimal flooding. Information regarding the topography and flood plain determination can be found in the original permit application. Since the site has been in existence, there has been no flooding to the facility.

**1. Is the site in a flood plain?**

**a. How current are the maps used to make flood plain determinations?**

The map is dated 1985 as stated on Figure 5-5 of the original permit application.

**b. What is the elevation of the site?**

The facility is located on a parcel of land about 75 feet above mean sea level (MSL).

**c. Is diking required or desired to provide flood protection?**

Diking is not required to provide flood protection. Exide is located in Zone C, indicating that the facility is located outside of the 100-year flood area.

**2. Is the site hurricane vulnerable?**

Although the facility is located in an area subject to hurricanes, they are infrequent and have resulted in little or no damage. Exide facilities have been designed and constructed to withstand storms and hurricanes.

**a. Is the site in an area subject to storm surge?**

No, the site is not subjected to storm surge.

**b. What are the design storm specifications?**

Not applicable.

**c. Should damage from wave action be considered?**

No, the facility is not located in an area likely to receive damage from wave action.

**d. For what levels of wind speed is the facility designed?**

Exide facilities have been designed and constructed to withstand storms and hurricanes.

**E. Is groundwater protected?**

**1. Are aquifers or recharge area underlying the site used for drinking water?**

**2. What is the relationship of the site to the water table?**

3. **What wells exist in the area?**
4. **What is the flow rate and direction of the groundwater flow?**
5. **What is the groundwater quality in the underlying aquifers?**
6. **Is there a hydraulic connection between the aquifers?**

The underlying aquifer is not used for drinking and the site is not located near an aquifer recharge area. Natural stable soils consist of 8 to 12 feet of medium to stiff silty clay or clayey silt overlaying stiff hard clay to a depth of 50 feet below grade. These clays often contain layers of silty clay, clayey silt, sandy silt, and silty sand up to 5-6 ½ feet in thickness.

Exide has seven groundwater monitoring wells that are placed to monitor the two closed hazardous waste piles located in the north and western section of the facility. These wells are screened in the uppermost permeable zone at the site between 30 to 45 feet in depth. Groundwater in the uppermost permeable zone flows primarily to the west. This flow pattern has been consistent since the early 1980's when the groundwater monitoring network was installed. Groundwater flow velocity in the uppermost permeable zone was calculated to be 0.05 feet per day, based on hydraulic conductivity testing.

Exide also has two deep water wells at the Baton Rouge smelter. The primary well (No. 3 well) is 2,447 feet deep and screened from 1,870-feet to 2,434-feet. The backup well (No. 1 well) is 1278 feet deep and screened from 1,228-feet to 1,278-feet. Both wells are tested regularly by the Department of Health and Hospitals.

**Does prospective site pose potential health risks as defined by proximity to:**

1. **Prime agricultural area (crop or pasture land)**

The facility is not located in or adjacent to crop or pasture land.

2. **Residential area**

The facility is not located in a residential area.

3. **Schools or day care centers**

The State Industrial School for Boys is outside the two-mile radius of the facility.

4. **Hospitals or prisons**

The facility is not located near any hospitals or prisons.

5. **Public buildings or entertainment facilities**

The facility is not located near any public buildings or entertainment facilities.

**6. Food storage area**

The facility is not located near any food storage areas.

**7. Existing community health problems that may be aggravated by operation of additional hazardous waste disposal capacity**

The facility is in operation, and is not a hazardous waste disposal facility.

**F. Is air quality protected?**

**1. Is the site within an ozone or non-attainment area?**

Yes, the site is within an ozone non-attainment area.

**2. What contaminants are likely to be generated at the site?**

Lead particulate matter is likely to be generated at the site.

**3. What protection is afforded from each contaminant generated by the site?**

Exide will comply with applicable state and federal air emission regulations. Additionally, all identified sources of airborne lead are vented to baghouses to capture airborne particles. Water suppression is used in the Containment Building to reduce dust and potential airborne particles from the recycled materials.

**4. What is the potential for unregulated emissions?**

Exide does not generate any unregulated air emissions. All identified sources of airborne lead particulate are vented to baghouses. Water suppression is used to reduce dust and potential airborne particles from the recycled materials.

**5. What plans are implemented to provide for odor control?**

The lead-bearing material being recycled does not generate any bad odor.

**6. Who will be affected by emissions?**



There are no schools or residential communities within the two-mile radius to be affected by emission.

**a. What is the direction of the prevailing winds?**

The prevailing wind is from the east/southeast ranging from 5 to 10 miles per hour.

**b. Describe the expected frequency of "bad air" conditions.**

The secondary lead smelting process does not generate any noticeable odor or "bad air" conditions.

**7. Describe the control of vapors at various stage of process.**

The secondary lead smelter process does not generate any vapor.

**G. Have physical site characteristics been studied; what has been done in terms of a geotechnical investigation?**

Exide is an existing facility that has been in operation since 1969.

Soil borings have been installed to identify stratigraphy and geotechnical characteristics.

**1. Site geology**

Detail information on site geology is found in Appendix J of the original application.

**2. Hydrology**

Information on hydrology is found in Figures 5-7a-d of the original application.

**3. Topography**

Information on site topography is found in Figures 5-3 and 5-4 of the original application.

**4. Soil properties**

Information on soil properties is found in Appendix I in the original application.

**5. Aquifer location**

The three sand layers are found at 600, 12,00 and 1,500 feet. See Figures 5-7a-7d in the original application.

**6. Subsidence problems**

The area is underlined by medium to stiff silty clay to hard clay. No subsidence problem has been found.

**7. Climatic conditions**

Climatic conditions for the site were assessed from public records and addressed in response to LAC 33:V.517.T.4.b of the Part II Permit Application. Information on temperatures, tropical storms, and evaporation data are included as Attachments C, D, and E of the Part I Permit Application, included with the Part II RCRA Permit Application.

**V. Are there mitigating measures which would offer more protection to the environment than the facility as proposed without unduly curtailing nonenvironmental benefits?**

No. The facility is designed, maintained, and operated in a manner to protect the environment. All reasonable measures to protect the environment are taken, as discussed in this permit application. The Exide facility is regulated by the LDEQ and in compliance with the regulations applicable to this type of facility.

Exide is an existing facility and has been in operation since 1969, it is in compliance with the regulations as a recycler.

The container storage areas are existing facilities for storage of spent lead-acid batteries and lead-bearing materials for lead recovery.

**A. Is this facility part of a master plan to provide waste management? Whose plan?**

No, this facility is not part of a formalized master plan for waste management. However, the effects of the facility are beneficial to any waste management plan by virtue of the fact that the Exide process recycles lead from spent batteries, rather than disposing of the batteries into a landfill.

**1. How does it fit into the plan?**

Not applicable.

**2. What geographical area is served by the plan?**

Not applicable.

**B. Does this facility fit into an integrated waste management system? (reduction, recovery, recycling, sales tax, exchange, storage, treatment, disposal).**

**1. On-site**

Yes. The facility is an integrated system for waste management. Each waste element is strategically stored in a location that maximizes facility efficiency, minimizes handling, maximizes worker and environmental safety and provides the largest potential environmental and financial gain for Exide and the community.

**2. Regional**

Yes. This facility provides a key ingredient to an integrated waste management system by recycling/recovering the lead from spent batteries, minimizing/reducing the volumes of waste to be disposed of in a landfill and providing a tax base for the local economy.

**C. Can waste be disposed in another fashion (way)?**

Hazardous waste is not disposed of at the site. Exide reclaims as much lead as possible from the reveratory slag and blast furnace slag prior to stabilization and disposal in the on-site solid waste landfill. This reclamation reduces the volume of waste that are required for disposal.

**1. Technology limitations**

Not applicable.

**2. Cost factors**

Not Applicable.

**3. Other reasons**

Not applicable.

**D. What quality assurance control will be utilized to protect the environment?**

Exide does not dispose of hazardous waste. Exide also schedules the receipt of recyclable lead-bearing materials (D008) spent lead and batteries, and emission baghouse dust (K069) to minimize storage time, prior to recycling for lead recovery. Exide maintains and follows a SPCC Plan and employee training to minimize or reduce the likelihood of spills

occurring on the site. In addition, Exide will comply with all applicable state and federal waste handling regulations.

### **Plans for lab work**

The Baton Rouge smelter has a multi-function analytical laboratory. This laboratory is used to insure that product lead is cast to meet client specifications. Additionally, the on-site laboratory performs characterization testing on incoming materials and slags generated by the furnaces. The laboratory is also used to analyze sodium sulfate salt produced by neutralization of spent battery acid prior to the salt being shipped to clients. The on-site laboratory is operated following the specifications set forth in Exide's Comprehensive Quality Assurance Manual.

Exide uses outside, contract laboratory services for all permit analytical testing. This testing includes:

- Semi-annual groundwater samples from monitor wells located at the closed hazardous waste cells and the solid waste landfill,
- Weekly samples of treated process water from Outfall 001,
- Quarterly samples of stabilized blast furnace slag, analyzed for TCLP metals, and
- Stormwater runoff samples from Outfalls 002 and 003.

The Baton Rouge smelter uses approved laboratories for this outside analytical work. A copy of an approved QA/QC protocol is included in Appendix D of Exide's Waste Analysis Plan.

### **1. How are out-of-spec wastes handled**

Exide has a strict screening process that lead bearing material generators must comply with prior to the material being accepted by the Baton Rouge smelter. This screening process includes the analysis and review of new waste streams prior to receipt, to verify chemical and physical characteristics, and the completion of waste profiles. Exide does not accept any material that contains organic constituents, PCBs, organic lead, or metallic aluminum. Additionally, material is not accepted that contains any free liquids. If the incoming material is not received in accordance with the chemical and physical characteristics purchase contract, the material generator is contacted and the discrepancy is reconciled or the material is returned.

### **2. What happens to rejected wastes**

As stated previously, if the incoming material is not received in accordance with the chemical and physical characteristics purchase contract, the material generator is contacted and the discrepancy is reconciled or the material is returned. Additionally, materials that cannot be recycled at this facility (*i.e.*, spent nickel-cadmium batteries) will be stored in an appropriate manner for disposal at an approved off-site facility.

### **3. Treatment stabilization**

In the lead recycling process, slag is produced from the blast furnaces. Based on the lead content, the blast furnace slag is sorted into a recycle fraction and a disposal fraction. The recycle fraction is charged in the blast furnace to further recover the lead. The disposal fraction is fed into the slag stabilization unit where it is treated with Portland cement and sodium silicate prior to disposal in Exide's permitted on-site solid waste landfill.

The stabilized slag is disposed of in Exide's permitted on-site, solid waste landfill. A representative sample of the stabilized slag is collected at least once per quarter and sent to a contract laboratory for a TCLP toxicity analysis in accordance with EPA approved procedures.

### **4. Segregation of non-compatible wastes**

On-site generated wastes and lead-bearing materials obtained from generators will be inspected, screened, and handled in accordance with EPA and state regulations and Exide's Waste Analysis Plan. The screening process is employed to ensure that incoming waste is characterized and that incompatible materials are separated.

### **5. Handling of containerized wastes**

Spill response for the container storage areas are addressed in the SPCC plan.

## **E. Innovative techniques used to control release of waste or waste constituents into the environment.**

Exide is an existing secondary lead smelter and is seeking a permit for an operating hazardous waste containment building.

### **1. Surface Impoundment**

Exide does not operate a surface impoundment.

**2. Land application treatment**

Exide does not use land application treatment.

**3. Landfill (burial)**

Exide operates a permitted Type I solid waste landfill. The landfill is permitted to receive stabilized blast furnace slag and construction debris.

**4. Incinerator**

Exide does not use incinerators to treat or store hazardous waste.

**5. Container storage**

Exide currently has permitted multiple container storage areas that are designed to protect the environment, and minimize the potential for a hazardous waste release.

**6. Tanks**

Exide does not use tanks to treat or store hazardous waste.

## ATTACHMENT 1


### Hazardous Waste Materials Received

Type Material	Code	Estimated Annual Quantity Handled
Spent Lead Acid Batteries	D002, D008	150,000 tons
Lead residues, sludges, plant scraps & other Group I lead bearing hazardous waste	D008	24,000 tons
Lead residues, sludges, slags, and other Group I lead bearing hazardous waste with impurity-level other metal content	D008 (D004, D006, D007, D010, D011)	1,000 tons
Emission control dust from Secondary Lead Smelters	K069	1,000 tons
Group II Recyclable lead bearing materials	D008	30,000 tons
Refractory Brick	D006, D008	200 tons
Petroleum Naptha	D001 R	5,000 tons
Spent nickel-cadmium batteries	D006	250 tons
Battery Components	D008	100,000 tons
Blast Furnace Slag	D008	20,000 tons

**SECTION 3.0**

**PART I PERMIT APPLICATION**



For EPA Regional Use Only		 United States Environmental Protection Agency Washington, DC 20460	
Date Received Month    Day    Year _____		<b>Hazardous Waste Permit Application</b> <b>Part A</b> <i>(Read the instructions before starting)</i>	
I. Facility's EPA ID Number (Mark 'X' in the appropriate box)			
<input type="checkbox"/> A. First Part A Submission		<input type="checkbox"/> B. Renewed Part A Submission (Area Change)	
C. Facility's EPA ID Number		D. Secondary ID Number (if applicable)	
L A D 0 0 8 1 8 - 4 1 3 7 N / A			
II. Name of Facility			
E X I D E    T E C H N O L O G I E S			
III. Facility Location (Physical address not P.O. Box or Route Number)			
A. Street			
2 4 0 0    B R O O K L A W N    D R I V E			
Street (Continued)			
City or Town		State	Zip Code
B A T O N    R O U G E		L A	7 0 8 0 7 -
County Code (FIPS)	County Name		
0 3 3	E A S T    B A T O N    R O U G E    P A R I S H		
B. Land Type	C. Geographic Location		D. Facility Existence Date
(Single use)	LATITUDE (Degrees, minutes & seconds)		Month    Day    Year
P	0 3    0 3    0 0 8    0 9 1    1 4    0 4 0		0 1    0 1    1 9 6 0
IV. Facility Mailing Address			
Street or P.O. Box			
P O    B O X    7 4 0 4 0			
City or Town		State	Zip Code
B A T O N    R O U G E		L A	7 0 8 7 4 - 4 0 4 0
V. Facility Contact (Person to be contacted regarding waste activities at facility)			
Name (Last)		(First)	
A C K E R    J R		J O S E P H	
Job Title		Phone Number (Area Code and Number)	
P L A N T    M A N A G E R		2 2 5 - 7 7 5 - 3 0 4 0	
VI. Facility Contact Address (See instructions)			
A. Contact Address Location (Mark 'X' in the appropriate box)		B. Street or P.O. Box	
<input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C			
City or Town		State	Zip Code
			-

EPA ID Number (Enter from page 1)												Secondary ID Number (Enter from page 1)															
L A D O 0 8 1 8 4 1 3 7												N / A															
VII. Operator Information (See instructions)																											
A. Name of Operator																											
E X I D E T E C H N O L O G I E S																											
Street or P.O. Box																											
P O B O X 7 4 0 4 0																											
City or Town												State		ZIP Code													
B A T O N R O U G E												L A		7 0 8 0 7 - 4 0 4 0													
Phone Number (Area Code and Number)												B. Operator Type		C. Change of Operator Indicator		Date Changed											
2 2 5 - 7 7 5 - 3 0 4 0												P		Yes No X													
VIII. Facility Owner (See instructions)																											
A. Name of Facility's Legal Owner																											
E X I D E T E C H N O L O G I E S																											
Street or P.O. Box																											
2 1 0 C A R N E G I E C E N T E R S U I T E 5 0 0																											
City or Town												State		ZIP Code													
P R I N C E T O N												N J		0 8 5 4 0 -													
Phone Number (Area Code and Number)												B. Owner Type		C. Change of Owner Indicator		Date Changed											
6 1 0 - 9 2 1 - 4 0 1 5												P		Yes No X													
IX. NAICS Codes (In order of significance, start in left box)																											
First												Third															
3 3 4 1																											
(Description) SECONDARY LEAD SMELTER												(Description)															
Second												Fourth															
N / A																											
(Description)												(Description)															
X. Other Environmental Permits (See instructions)																											
A. Permit Type (Enter code)				B. Permit Number												C. Description											
N				L A 0 0 0 4 4 6 4												NPDES											
R				L A D 0 0 8 1 8 4 1 3 7												OP-1 RCRA											
E				G D 0 3 3 2 0 5 4 P 0 3 2												6 LDEQ - SOLID WASTE											
E				G D 0 3 3 2 0 5 4 P 0 1 6												0 LDEQ - SOLID WASTE											
E				L A D 0 0 8 1 8 4 1 3 7												LDEQ - POST CLOSURE											
E				0 8 4 0 0 0 0 4 0 0												LDEQ - AIR PERMIT											

EPA ID Number (Enter from page 1)												Secondary ID Number (Enter from page 1)																																																																																																																																															
L A D 0 0 8 . 1 8 4 1 3 7												N / A																																																																																																																																															
<b>XI. Name of Business (Provide a brief description)</b> Secondary lead smelter and refiner which recycles spent lead-acid batteries and other lead-bearing raw materials into lead ingots for use in commercial products.																																																																																																																																																											
<b>XII. Process Codes and Design Capacities</b>																																																																																																																																																											
<b>A. PROCESS CODE</b> - Enter the code from the list of process codes below that best describes each process to be used at the facility. Thirteen lines are provided for entering codes. If more lines are needed, attach a separate sheet of paper with the additional information. For "other" processes (i.e., 899, T94 and X99), describe the process (including its design capacity) in the space provided in Item XII.																																																																																																																																																											
<b>B. PROCESS DESIGN CAPACITY</b> - For each code entered in column A, enter the capacity of the process.																																																																																																																																																											
<b>1. AMOUNT</b> - Enter the amount, in a case where design capacity is not applicable (such as a closed-loop process or enforcement action), enter the total amount of waste for that process.																																																																																																																																																											
<b>2. UNIT OF MEASURE</b> - For each amount entered in column B(1), enter the code from the list of unit measure codes below that describes the unit of measure used. Only the units of measure that are listed below should be used.																																																																																																																																																											
<b>C. PROCESS TOTAL NUMBER OF UNITS</b> - Enter the total number of units used with the corresponding process code.																																																																																																																																																											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>PROCESS CODE</th> <th>PROCESS</th> <th>APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY</th> </tr> </thead> <tbody> <tr> <td colspan="3"><b>Disposal:</b></td> </tr> <tr> <td>D79</td> <td>Underground/Injection</td> <td>Gallons; Liters; Gallons Per Day; or Liters Per Day</td> </tr> <tr> <td>D80</td> <td>Landfill</td> <td>Acres; Hectares; Acres; Cubic Meters; Hectares; Cubic Yards</td> </tr> <tr> <td>D81</td> <td>Land Treatment</td> <td>Acres or Hectares</td> </tr> <tr> <td>D82</td> <td>Ocean Disposal</td> <td>Gallons Per Day or Liters Per Day</td> </tr> <tr> <td>D83</td> <td>Surface Impoundment</td> <td>Gallons; Liters; Cubic Meters; or Cubic Yards</td> </tr> <tr> <td>D89</td> <td>Other Disposal</td> <td>Any Unit of Measure Listed Below</td> </tr> <tr> <td colspan="3"><b>Storage:</b></td> </tr> <tr> <td>S81</td> <td>Container</td> <td>Gallons; Liters; Cubic Meters; or Cubic Yards</td> </tr> <tr> <td>S82</td> <td>Tank Storage</td> <td>Gallons; Liters; Cubic Meters; or Cubic Yards</td> </tr> <tr> <td>S83</td> <td>Waste Pile</td> <td>Cubic Yards or Cubic Meters</td> </tr> <tr> <td>S84</td> <td>Surface Impoundment</td> <td>Gallons; Liters; Cubic Meters; or Cubic Yards</td> </tr> <tr> <td>S85</td> <td>Storage</td> <td>Gallons; Liters; Acres; Cubic Meters; Hectares; or Cubic Yards</td> </tr> <tr> <td>S86</td> <td>Drip Pad</td> <td>Cubic Yards or Cubic Meters</td> </tr> <tr> <td>S89</td> <td>Containment Building</td> <td>Any Unit of Measure Listed Below</td> </tr> <tr> <td>S99</td> <td>Other Storage</td> <td>Any Unit of Measure Listed Below</td> </tr> <tr> <td colspan="3"><b>Treatment:</b></td> </tr> <tr> <td>T81</td> <td>Tank Treatment</td> <td>Gallons Per Day; Liters Per Day; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; or Metric Tons Per Hour</td> </tr> <tr> <td>T82</td> <td>Surface Impoundment</td> <td>Gallons Per Day; Liters Per Day; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; or Metric Tons Per Hour</td> </tr> <tr> <td>T83</td> <td>Incinerator</td> <td>Short Tons Per Hour; Metric Tons Per Hour; Gallons Per Hour; Liters Per Hour; Btu Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million Btu Per Hour</td> </tr> <tr> <td>T84</td> <td>Other Treatment</td> <td>Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Gallons Per Day; Liters Per Hour; or Million Btu Per Hour</td> </tr> <tr> <td>T89</td> <td>Boiler</td> <td>Gallons; Liters; Gallons Per Hour; Liters Per Hour; Btu Per Hour; or Million Btu Per Hour</td> </tr> </tbody> </table>												PROCESS CODE	PROCESS	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY	<b>Disposal:</b>			D79	Underground/Injection	Gallons; Liters; Gallons Per Day; or Liters Per Day	D80	Landfill	Acres; Hectares; Acres; Cubic Meters; Hectares; Cubic Yards	D81	Land Treatment	Acres or Hectares	D82	Ocean Disposal	Gallons Per Day or Liters Per Day	D83	Surface Impoundment	Gallons; Liters; Cubic Meters; or Cubic Yards	D89	Other Disposal	Any Unit of Measure Listed Below	<b>Storage:</b>			S81	Container	Gallons; Liters; Cubic Meters; or Cubic Yards	S82	Tank Storage	Gallons; Liters; Cubic Meters; or Cubic Yards	S83	Waste Pile	Cubic Yards or Cubic Meters	S84	Surface Impoundment	Gallons; Liters; Cubic Meters; or Cubic Yards	S85	Storage	Gallons; Liters; Acres; Cubic Meters; Hectares; or Cubic Yards	S86	Drip Pad	Cubic Yards or Cubic Meters	S89	Containment Building	Any Unit of Measure Listed Below	S99	Other Storage	Any Unit of Measure Listed Below	<b>Treatment:</b>			T81	Tank Treatment	Gallons Per Day; Liters Per Day; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; or Metric Tons Per Hour	T82	Surface Impoundment	Gallons Per Day; Liters Per Day; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; or Metric Tons Per Hour	T83	Incinerator	Short Tons Per Hour; Metric Tons Per Hour; Gallons Per Hour; Liters Per Hour; Btu Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million Btu Per Hour	T84	Other Treatment	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Gallons Per Day; Liters Per Hour; or Million Btu Per Hour	T89	Boiler	Gallons; Liters; Gallons Per Hour; Liters Per Hour; Btu Per Hour; or Million Btu Per Hour	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>PROCESS CODE</th> <th>PROCESS</th> <th>APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY</th> </tr> </thead> <tbody> <tr> <td>T81</td> <td>Cement Kiln</td> <td>Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Liters Per Hour; Kilograms Per Hour; or Million Btu Per Hour</td> </tr> <tr> <td>T82</td> <td>Lime Kiln</td> <td></td> </tr> <tr> <td>T83</td> <td>Aggregate Kiln</td> <td></td> </tr> <tr> <td>T84</td> <td>Phosphate Kiln</td> <td></td> </tr> <tr> <td>T85</td> <td>Coke Oven</td> <td></td> </tr> <tr> <td>T86</td> <td>Blast Furnace</td> <td></td> </tr> <tr> <td>T87</td> <td>Smelting, Melting, Or Refining Furnace</td> <td></td> </tr> <tr> <td>T88</td> <td>Titanium Dioxide Chloride Oxidation Reactor</td> <td></td> </tr> <tr> <td>T89</td> <td>Methane Reforming</td> <td>Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Gallons Per Hour; Liters Per Hour; or Million Btu Per Hour</td> </tr> <tr> <td>T90</td> <td>Pulping Liquor Recovery Furnace</td> <td></td> </tr> <tr> <td>T91</td> <td>Combustion Device Used In The Recovery Of Sulfur Values From Spent Sulfuric Acid</td> <td></td> </tr> <tr> <td>T92</td> <td>Halogen Acid Furnaces</td> <td></td> </tr> <tr> <td>T93</td> <td>Other Industrial Furnaces Listed In 40 CFR §260.10</td> <td></td> </tr> <tr> <td>T94</td> <td>Containment Building - Treatment</td> <td>Cubic Yards; Cubic Meters; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Btu Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million Btu Per Hour</td> </tr> <tr> <td colspan="3"><b>Miscellaneous (Subpart X):</b></td> </tr> <tr> <td>X01</td> <td>Open Burning/Open Detonation</td> <td>Any Unit of Measure Listed Below</td> </tr> <tr> <td>X02</td> <td>Mechanical Processing</td> <td>Short Tons Per Hour; Metric Tons Per Hour; Short Tons Per Day; Metric Tons Per Day; Pounds Per Hour; Kilograms Per Hour; Gallons Per Hour; Liters Per Hour; or Gallons Per Day</td> </tr> <tr> <td>X03</td> <td>Thermal Unit</td> <td>Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; or Million Btu Per Hour</td> </tr> <tr> <td>X04</td> <td>Geologic Repository</td> <td>Cubic Yards; Cubic Meters; Acres; Hectares; Gallons; or Liters</td> </tr> <tr> <td>X99</td> <td>Other Subpart X</td> <td>Any Unit of Measure Listed Below</td> </tr> </tbody> </table>												PROCESS CODE	PROCESS	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY	T81	Cement Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Liters Per Hour; Kilograms Per Hour; or Million Btu Per Hour	T82	Lime Kiln		T83	Aggregate Kiln		T84	Phosphate Kiln		T85	Coke Oven		T86	Blast Furnace		T87	Smelting, Melting, Or Refining Furnace		T88	Titanium Dioxide Chloride Oxidation Reactor		T89	Methane Reforming	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Gallons Per Hour; Liters Per Hour; or Million Btu Per Hour	T90	Pulping Liquor Recovery Furnace		T91	Combustion Device Used In The Recovery Of Sulfur Values From Spent Sulfuric Acid		T92	Halogen Acid Furnaces		T93	Other Industrial Furnaces Listed In 40 CFR §260.10		T94	Containment Building - Treatment	Cubic Yards; Cubic Meters; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Btu Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million Btu Per Hour	<b>Miscellaneous (Subpart X):</b>			X01	Open Burning/Open Detonation	Any Unit of Measure Listed Below	X02	Mechanical Processing	Short Tons Per Hour; Metric Tons Per Hour; Short Tons Per Day; Metric Tons Per Day; Pounds Per Hour; Kilograms Per Hour; Gallons Per Hour; Liters Per Hour; or Gallons Per Day	X03	Thermal Unit	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; or Million Btu Per Hour	X04	Geologic Repository	Cubic Yards; Cubic Meters; Acres; Hectares; Gallons; or Liters	X99	Other Subpart X	Any Unit of Measure Listed Below
PROCESS CODE	PROCESS	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY																																																																																																																																																									
<b>Disposal:</b>																																																																																																																																																											
D79	Underground/Injection	Gallons; Liters; Gallons Per Day; or Liters Per Day																																																																																																																																																									
D80	Landfill	Acres; Hectares; Acres; Cubic Meters; Hectares; Cubic Yards																																																																																																																																																									
D81	Land Treatment	Acres or Hectares																																																																																																																																																									
D82	Ocean Disposal	Gallons Per Day or Liters Per Day																																																																																																																																																									
D83	Surface Impoundment	Gallons; Liters; Cubic Meters; or Cubic Yards																																																																																																																																																									
D89	Other Disposal	Any Unit of Measure Listed Below																																																																																																																																																									
<b>Storage:</b>																																																																																																																																																											
S81	Container	Gallons; Liters; Cubic Meters; or Cubic Yards																																																																																																																																																									
S82	Tank Storage	Gallons; Liters; Cubic Meters; or Cubic Yards																																																																																																																																																									
S83	Waste Pile	Cubic Yards or Cubic Meters																																																																																																																																																									
S84	Surface Impoundment	Gallons; Liters; Cubic Meters; or Cubic Yards																																																																																																																																																									
S85	Storage	Gallons; Liters; Acres; Cubic Meters; Hectares; or Cubic Yards																																																																																																																																																									
S86	Drip Pad	Cubic Yards or Cubic Meters																																																																																																																																																									
S89	Containment Building	Any Unit of Measure Listed Below																																																																																																																																																									
S99	Other Storage	Any Unit of Measure Listed Below																																																																																																																																																									
<b>Treatment:</b>																																																																																																																																																											
T81	Tank Treatment	Gallons Per Day; Liters Per Day; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; or Metric Tons Per Hour																																																																																																																																																									
T82	Surface Impoundment	Gallons Per Day; Liters Per Day; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; or Metric Tons Per Hour																																																																																																																																																									
T83	Incinerator	Short Tons Per Hour; Metric Tons Per Hour; Gallons Per Hour; Liters Per Hour; Btu Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million Btu Per Hour																																																																																																																																																									
T84	Other Treatment	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Gallons Per Day; Liters Per Hour; or Million Btu Per Hour																																																																																																																																																									
T89	Boiler	Gallons; Liters; Gallons Per Hour; Liters Per Hour; Btu Per Hour; or Million Btu Per Hour																																																																																																																																																									
PROCESS CODE	PROCESS	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY																																																																																																																																																									
T81	Cement Kiln	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Liters Per Hour; Kilograms Per Hour; or Million Btu Per Hour																																																																																																																																																									
T82	Lime Kiln																																																																																																																																																										
T83	Aggregate Kiln																																																																																																																																																										
T84	Phosphate Kiln																																																																																																																																																										
T85	Coke Oven																																																																																																																																																										
T86	Blast Furnace																																																																																																																																																										
T87	Smelting, Melting, Or Refining Furnace																																																																																																																																																										
T88	Titanium Dioxide Chloride Oxidation Reactor																																																																																																																																																										
T89	Methane Reforming	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; Gallons Per Hour; Liters Per Hour; or Million Btu Per Hour																																																																																																																																																									
T90	Pulping Liquor Recovery Furnace																																																																																																																																																										
T91	Combustion Device Used In The Recovery Of Sulfur Values From Spent Sulfuric Acid																																																																																																																																																										
T92	Halogen Acid Furnaces																																																																																																																																																										
T93	Other Industrial Furnaces Listed In 40 CFR §260.10																																																																																																																																																										
T94	Containment Building - Treatment	Cubic Yards; Cubic Meters; Short Tons Per Hour; Gallons Per Hour; Liters Per Hour; Btu Per Hour; Pounds Per Hour; Short Tons Per Day; Kilograms Per Hour; Metric Tons Per Day; Gallons Per Day; Liters Per Day; Metric Tons Per Hour; or Million Btu Per Hour																																																																																																																																																									
<b>Miscellaneous (Subpart X):</b>																																																																																																																																																											
X01	Open Burning/Open Detonation	Any Unit of Measure Listed Below																																																																																																																																																									
X02	Mechanical Processing	Short Tons Per Hour; Metric Tons Per Hour; Short Tons Per Day; Metric Tons Per Day; Pounds Per Hour; Kilograms Per Hour; Gallons Per Hour; Liters Per Hour; or Gallons Per Day																																																																																																																																																									
X03	Thermal Unit	Gallons Per Day; Liters Per Day; Pounds Per Hour; Short Tons Per Hour; Kilograms Per Hour; Metric Tons Per Day; Metric Tons Per Hour; Short Tons Per Day; Btu Per Hour; or Million Btu Per Hour																																																																																																																																																									
X04	Geologic Repository	Cubic Yards; Cubic Meters; Acres; Hectares; Gallons; or Liters																																																																																																																																																									
X99	Other Subpart X	Any Unit of Measure Listed Below																																																																																																																																																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>UNIT OF MEASURE</th> <th>UNIT OF MEASURE CODE</th> </tr> </thead> <tbody> <tr> <td>Gallons</td> <td>G</td> </tr> <tr> <td>Gallons Per Hour</td> <td>E</td> </tr> <tr> <td>Gallons Per Day</td> <td>U</td> </tr> <tr> <td>Liters</td> <td>L</td> </tr> <tr> <td>Liters Per Hour</td> <td>H</td> </tr> <tr> <td>Liters Per Day</td> <td>V</td> </tr> </tbody> </table>												UNIT OF MEASURE	UNIT OF MEASURE CODE	Gallons	G	Gallons Per Hour	E	Gallons Per Day	U	Liters	L	Liters Per Hour	H	Liters Per Day	V	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>UNIT OF MEASURE</th> <th>UNIT OF MEASURE CODE</th> </tr> </thead> <tbody> <tr> <td>Short Tons Per Hour</td> <td>D</td> </tr> <tr> <td>Metric Tons Per Hour</td> <td>W</td> </tr> <tr> <td>Short Tons Per Day</td> <td>N</td> </tr> <tr> <td>Metric Tons Per Day</td> <td>S</td> </tr> <tr> <td>Pounds Per Hour</td> <td>J</td> </tr> <tr> <td>Kilograms Per Hour</td> <td>R</td> </tr> <tr> <td>Million Btu Per Hour</td> <td>X</td> </tr> </tbody> </table>												UNIT OF MEASURE	UNIT OF MEASURE CODE	Short Tons Per Hour	D	Metric Tons Per Hour	W	Short Tons Per Day	N	Metric Tons Per Day	S	Pounds Per Hour	J	Kilograms Per Hour	R	Million Btu Per Hour	X	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>UNIT OF MEASURE</th> <th>UNIT OF MEASURE CODE</th> </tr> </thead> <tbody> <tr> <td>Cubic Yards</td> <td>Y</td> </tr> <tr> <td>Cubic Meters</td> <td>C</td> </tr> <tr> <td>Acres</td> <td>B</td> </tr> <tr> <td>Acres-foot</td> <td>A</td> </tr> <tr> <td>Hectares</td> <td>Q</td> </tr> <tr> <td>Hectares-meter</td> <td>F</td> </tr> <tr> <td>Btu Per Hour</td> <td>I</td> </tr> </tbody> </table>												UNIT OF MEASURE	UNIT OF MEASURE CODE	Cubic Yards	Y	Cubic Meters	C	Acres	B	Acres-foot	A	Hectares	Q	Hectares-meter	F	Btu Per Hour	I																																																																										
UNIT OF MEASURE	UNIT OF MEASURE CODE																																																																																																																																																										
Gallons	G																																																																																																																																																										
Gallons Per Hour	E																																																																																																																																																										
Gallons Per Day	U																																																																																																																																																										
Liters	L																																																																																																																																																										
Liters Per Hour	H																																																																																																																																																										
Liters Per Day	V																																																																																																																																																										
UNIT OF MEASURE	UNIT OF MEASURE CODE																																																																																																																																																										
Short Tons Per Hour	D																																																																																																																																																										
Metric Tons Per Hour	W																																																																																																																																																										
Short Tons Per Day	N																																																																																																																																																										
Metric Tons Per Day	S																																																																																																																																																										
Pounds Per Hour	J																																																																																																																																																										
Kilograms Per Hour	R																																																																																																																																																										
Million Btu Per Hour	X																																																																																																																																																										
UNIT OF MEASURE	UNIT OF MEASURE CODE																																																																																																																																																										
Cubic Yards	Y																																																																																																																																																										
Cubic Meters	C																																																																																																																																																										
Acres	B																																																																																																																																																										
Acres-foot	A																																																																																																																																																										
Hectares	Q																																																																																																																																																										
Hectares-meter	F																																																																																																																																																										
Btu Per Hour	I																																																																																																																																																										

EPA ID Number (Enter from page 1)												Secondary ID Number (Enter from page 1)												
L	A	D	0	0	8	.	1	8	4	1	3	7	N	/	A									

## XII. Program Codes and Design Capabilities (Continued)

**EXAMPLE FOR COMPLETING ITEM 30 (shown in line number 2-1 below):** A facility has a storage tank, which can hold 251,799

[illegible]

NOTE: If you need to list more than 15 process codes, attach an additional sheet(s) with the information in the same format as above. Number the lines sequentially, taking into account any lines that will be used for "other" processes (i.e., 099, 999, T04 and X99) in item XII.

**XIII. Other Processes** (Follow instructions from item XII for D99, S99, T04 and X99 process codes)

Line Number <small>(Enter this in each entry)</small>	A. Process Code <small>(From list above)</small>				B. PROCESS DESIGN CAPACITY		C. Process Total Number Of Units	D. Description Of Process
					1. Amount (specify)	2. Unit Of Measure (enter code)		
X	1	T	0	4				In-site Verification
	1	T	0	4	2 5 . 0 0 0	D	0 0 1	Slag stabilization using pozzolonic material and amorphous compound
	2							
	3							
	4							

EPA ID Number (Enter from page 1)

Secondary ID Number (Enter from page 1)

L A D 0 0 8 1 8 4 1 3 7

N / A

## XIV. Description of Hazardous Wastes

- A. EPA HAZARDOUS WASTE NUMBER:** Enter the four-digit number from 40 CFR, Part 261, Subpart D of each listed hazardous waste you will handle. For hazardous wastes which are not listed in 40 CFR, Part 261, Subpart D, enter the four-digit number(s) from 40 CFR, Part 261, Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.
- B. ESTIMATED ANNUAL QUANTITY:** For each listed waste entered in column A estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in column A estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.
- C. UNIT OF MEASURE:** For each quantity entered in column B enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS	P	KILOGRAMS	K
TONS	T	METRIC TONS	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure taking into account the appropriate density or specific gravity of the waste.

**D. PROCESSES****1. PROCESS CODES:**

For listed hazardous waste: For each listed hazardous waste entered in column A select the code(s) from the list of process codes contained in Item XII A, on page 3 to indicate how the waste will be stored, treated, and/or disposed of at the facility.

For non-listed hazardous waste: For each characteristic or toxic contaminant entered in column A, select the code(s) from the list of process codes contained in Item XII A, on page 3 to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.

**NOTE: THREE SPACES ARE PROVIDED FOR ENTERING PROCESS CODES. IF MORE ARE NEEDED:**

- Enter the first two as described above.
- Enter "000" in the extreme right box of Item XIV-D(1).
- Use additional sheet, enter line number from previous sheet, and enter additional code(s) in Item XIV-E.

**2. PROCESS DESCRIPTION:** If a code is not listed for a process that will be used, describe the process in the space provided on the form (D(2)).

**NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER:** Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

- Select one of the EPA Hazardous Waste Numbers and enter it in column A. On the same line complete columns B, C and D by estimating the total annual quantity of the waste and describing all the processes to be used to treat, store, and/or dispose of the waste.
- In column A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In column D(2) on that line enter "Included with above" and make no other entries on that line.
- Repeat step 1 for each EPA Hazardous Waste Number that can be used to describe the hazardous waste.

**EXAMPLE FOR COMPLETING ITEM XIV (shown in line numbers X-1, X-2, X-3, and X-4 below):** A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operation. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 400 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

Line Number	A. EPA HAZARD WASTE NO. (Enter code)				B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (Enter code)	D. PROCESS									
							(1) PROCESS CODES (Enter)					(2) PROCESS DESCRIPTION (If a code is not entered in D(1))				
X-1	1	K	0	0	900	P	T	0	3	D	0	0				
X-2	2	D	0	0	400	P	T	0	3	D	0	0				
X-3	3	D	0	0	100	P	T	0	3	D	0	0				
X-4	4	D	0	0	0											Included With Above



Please print or type with ELITE type (12 characters per inch) in the unshaded areas only

Form Approved, OMB No. 2050-0034 Expires 10/31/02  
GSA No. 0246-EPA-OT

EPA ID Number (Enter from page 1)										Secondary ID Number (Enter from page 1)									
L	A	D	0	0	8	1	8	4	1	3	7	N	/	A					
XIV. Description of Hazardous Wastes (Continued, use additional sheets as necessary)																			
Line Number	A. EPA Hazardous Waste No. (Enter code)				B. Estimated Annual Quantity of Waste	C. Unit of Measure (Enter code)	D. PROCESSES												
							(1) PROCESS CODES (Enter code)					(2) PROCESS DESCRIPTION (If a code is not entered in D(1))							
1	K	0	6	9	1,000	T	S	0	1									Drum storage area	
2	D	0	0	8	24,000	T	S	0	1									prior to recycling,	
3	D	0	0	7	200	T	S	0	1									includes spent	
4	D	0	0	6														refractory bricks.	
5																			
6	D	0	0	8	20,500	T	S	0	1									Batteries on trailers	
7	D	0	0	6	250	T	S	0	1									storage area - prior	
8	D	0	0	2														to recycling.	
9	D	0	0	8	20,500	T	S	0	1									Batteries on pallets	
10	D	0	0	2														storage area - prior	
11																		to recycling.	
12	D	0	0	8	100,000	T	S	0	6										
13	D	0	0	7														Containment Building	
14	D	0	0	6														storage area - prior	
15	D	0	0	4														to recycling.	
16	K	0	6	9															
17																			
18	D	0	0	8	20,000	T	T	0	4									Treatment unit for	
19																		stabilization of	
20																		slag.	
21																			
22																			
23																			
24																			
25																			
26																			
27																			
28																			
29																			
30																			
31																			
32																			
33																			

EPA ID Number (Enter from page 1)

L A D 0 0 8 - 1 8 4 1 3 7

Secondary ID Number (Enter from page 1)

N / A

## XV. Map

Attach to this application a topographic map, or other equivalent map, of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for proper requirements.

## XVI. Facility Drawing

All existing facilities must include a scale drawing of the facility. (See instructions for more detail).

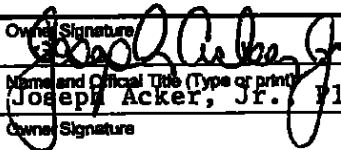
## XVII. Photographs

All existing facilities must include photographs (aerial or ground-level) that clearly define all existing structures, existing storage, treatment and disposal areas, and sites of future storage, treatment or disposal areas. (See instructions for more detail).

## XVIII. Certification(s)

**I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.**

Owner Signature



Date Signed

3/1/01

Name and Official Title (Type or print)

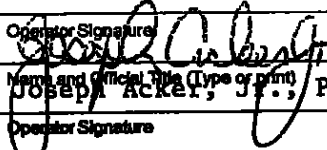
Joseph Acker, Jr., Plant Manager

Owner Signature

Date Signed

Name and Official Title (Type or print)

Operator Signature



Date Signed

3/1/01

Name and Official Title (Type or print)

Joseph Acker, Jr., Plant Manager

Operator Signature

Date Signed

Name and Official Title (Type or print)

## XIX. Comments

Note: Mail completed form to the appropriate EPA Regional or State Office. Refer to instructions for more information.

## **SECTION 4.0**

### **PART II PERMIT APPLICATION**



## **CHAPTER 1**

### **GENERAL PROVISIONS AND DEFINITIONS**

Exide acknowledges and understands the general provisions and definitions established in this chapter. However, Exide makes no change to the original application.

## **CHAPTER 3**

### **GENERAL CONDITIONS FOR TREATMENT, STORAGE, AND DISPOSAL FACILITY PERMITS**

Pursuant to LAC 33:V.4101, Exide stores recyclable materials before they are recycled and therefore are regulated under the provisions of Chapter 3 of the Hazardous Waste Regulations. Exide understands and acknowledges the provisions of this chapter and is in compliance with the applicable requirements of this chapter.

Exide is currently operating under an existing Hazardous Waste Permit. This Class 3 Modification request is submitted in accordance with the letter received from the Louisiana Department of Environmental Quality, dated February 22, 2000 (Appendix 1) and conforms to the requirements of a Class 3 Modification as established under LAC 33:V321C.3. Exide is submitting this Class 3 Modification request to add the facility's hazardous waste containment building, currently operating under interim status, into Exide's existing operating permit. In addition, Exide will incorporate the formal name change into the modification request.

## **CHAPTER 5**

### **PERMIT APPLICATION CONTENTS**

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 5. Permit Application Contents**  
**Subchapter A. General Requirements for Permit Applications**

**§501. Permit Application**

- A. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit a permit application to the administrative authority as described in this Section and LAC 33:V.4301, 4303, and 4305. Persons currently authorized with interim status shall apply for permits when required by the administrative authority. Persons covered by RCRA permits by rule (LAC 33:V.305.D) need not apply. Procedures for applications, issuance, and administration of emergency permits are found exclusively in LAC 33:V.701 and 703. Procedures for application, issuance, and administration of research, development, and demonstration permits are found exclusively in LAC 33:V.329.**

**Response**

Exide is currently authorized to handle hazardous waste by the Louisiana Department of Environmental Quality via permit no. LAD008184137. As the result of the regulations requiring the permitting of hazardous waste containment areas, Exide is submitting this application for a Class III modification to include the existing Containment Building of the facility in the existing permit.

- B. When a facility or activity is not owned and operated by one person, it is the operator's duty to obtain a permit. The owner must also sign the permit application.**

**Response**

Exide is a corporation. Mr. Joseph Acker, Plant Manager, a duly authorized officer of Exide, has signed this application.

- C. Existing Hazardous Waste Management Facilities and Interim Status Qualifications**

- 1. Owners and operators of existing hazardous waste management facilities or of hazardous waste management facilities in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to the requirement to have a RCRA permit must submit Part I of their permit application no later than:**

- a. **six months after the date of publication of regulations which first require them to comply with LAC 33:V.Chapters 11, 15, 25, 30, 41 or 43; or**
- b. **thirty days after the date they first become subject to the standards set forth in LAC 33:V.Chapters 11, 15, 25, 30, 41, or 43, whichever first occurs.**

**Response**

Exide is re-submitting a Part I application as part of this permit application modification request.

2. **The owner and operator of an existing hazardous waste management facility may be required to submit Part II of their permit application. The administrative authority may require submission of Part II. Any owner or operator shall be allowed at least 120 days from the date of request to submit Part II of the application. Any owner or operator of an existing hazardous waste management facility may voluntarily submit Part II of the application at any time. Notwithstanding the above, any owner or operator of an existing hazardous waste management facility must submit a Part II permit application in accordance with the dates specified in LAC 33:V.4305. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to the requirement to have a RCRA permit must submit a Part II application in accordance with the dates specified in LAC 33:V.4305.**

**Response**

Exide is submitting this Class III permit modification at the direction of LDEQ.

**§503. Completeness**

**The administrative authority shall not issue a permit before receiving a complete application for a permit except for permits by rule (LAC 33:V.305.D) or emergency permits (LAC 33:V.701). An application for a permit is complete when the administrative authority receives an application form and any supplemental information which are completed to his or her satisfaction. The administrative authority may deny a permit for the active life of a hazardous waste management facility or TSD unit before receiving a complete application for the permit. An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in this Section.**

- A. **Any Part II permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information reasonably ascertainable by the owner or operator, on the potential for the public to be**

exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address:

1. reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;
2. the potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under LAC 33:V.503.A.1; and
3. the potential magnitude and nature of the human exposure resulting from such releases.

**Response**

Exide acknowledges the above. However, Exide does not operate any facilities that store, treat, or dispose of hazardous waste in a surface impoundment or a landfill.

- B. By August 8, 1985, owners and operators of a landfill or a surface impoundment who have already submitted a Part II application must submit the exposure information required in LAC 33:V.503.A.

**Response**

Exide acknowledges the above.

**§505. Recordkeeping**

Applicants shall keep records of all data used to complete permit applications and of any supplemental information submitted under this Chapter, as required in LAC 33:V.309.J.

**Response**

Exide acknowledges the above requirement and will comply by maintaining records and monitoring data required by this application for the active life (including operating, closure and post-closure periods) of the facility.

**Subchapter B. Signatories to Permit Applications and Reports,  
Changes of Authorizations, and Certifications**

**§507. Applications**

All permit applications shall be signed as follows:

- A. for a corporation: by a responsible corporate officer; for the purpose of this Section, a responsible corporate officer means:

1. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
  2. the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. for a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- C. for a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

**Response**

Exide is a corporation. The permit application has been signed by Joe Acker, Plant Manager of the Baton Rouge smelter.

**§509. Reports**

All reports required by permits, and other information requested by the administrative authority shall be signed by a person described in LAC 33:V.507, or by a duly authorized representative of that person. A person is a duly authorized representative only if: the authorization is made in writing by a person described in LAC 33:V.507; and the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position). The written authorization is submitted to the administrative authority.

**Response**

All reports required by permits and other information requested by the Administrative Authority shall be signed by Joe Acker who is a duly authorized representative of the company as described in LAC 33:V.509.

**§511. Changes in Authorization**

If an authorization under LAC 33:V.509 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of LAC 33:V.509 must be

submitted to the administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.

**Response**

Exide acknowledges the above and will comply if an authorization becomes inaccurate.

**§513. Certification**

**A.**

1. Any person signing a document under LAC 33:V.507 or 509 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**Response**

Exide is a corporation that owns and operates the Baton Rouge Smelter. Joe Acker, the Baton Rouge smelter Plant Manager, has signed this document certifying the above statement. This signed certification statement is included as Appendix 2.

2. For remedial action plans (RAPs) under LAC 33:V.Chapter 5.Subchapter G, if the operator certifies according to Subsection A.1 of this Section, then the owner may choose to make the following certification instead of the certification in Subsection A.1 of this Section:

"Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons who manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



**Response**

Should Exide submit a remedial action plan, the above statement will be duly noted and signed by an authorized representative.

**B. Certification of an owner who is not the operator:**

**"I certify that I understand that this application is submitted for the purpose of obtaining a permit to operate a hazardous waste management facility on the property as described. As owner of the property/facility, I understand fully that the facility operator and I are jointly and severally responsible for compliance with both LAC 33:V.Subpart 1 and any permit issued pursuant to those regulations." For owners of land disposal facilities, add: "I further understand that I am responsible for providing the notice in the deed to the property required by LAC 33:V.3525."**

**Response**

The owner of this facility is also the operator. The certification statement is included as Appendix 2.

**Subchapter C. Permit Applications: Parts I and II**

**§515. Part I Information Requirements**

**All applicants for TSD permits shall provide the following information to the administrative authority using the application form provided. Other formatting requirements may be specified by the administrative authority.**

- 1. date of application;**
- 2. EPA identification number;**
- 3. a brief description of the nature of the business;**
- 4. the activities conducted by the applicant which require it to obtain a TSD permit;**
- 5. name, mailing address, and location of the facility for which the application is submitted;**
- 6. the latitude and longitude of the facility and a legal description of the site;**
- 7. up to four SIC codes which best reflect the principal products or services provided by the facility;**
- 8. an indication of whether the facility is new or existing and whether it is a first or revised application;**
- 9. the operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity;**
- 10. owner's name, address, and phone number if different from operator's;**
- 11. contact: name of individual to be contacted concerning hazardous waste management;**
- 12. telephone number of contact;**
- 13. whether the facility is located on Indian lands;**

14. a listing of all permits or construction approvals received or applied for under any of the following programs:
  - a. hazardous waste management program;
  - b. Underground Injection Control (UIC) program;
  - c. National Pollution Discharge Elimination System (NPDES) program;
  - d. Prevention of Significant Deterioration (PSD) program under the Federal Clean Air Act;
  - e. nonattainment program under the Clean Air Act;
  - f. National Emission Standards for Hazardous Air Pollutants (NESHAP) preconstruction approval under the Clean Air Act;
  - g. ocean dumping permits under the Marine Protection Research and Sanctuaries Act;
  - h. dredge or fill permits under Section 404 of the federal Clean Water Act (CWA); or
  - i. other relevant environmental permits;
15. a topographic map (or other map if a topographic map is unavailable) extending two miles beyond the property boundaries of the facility indicating the following; each hazardous waste treatment, storage, and disposal facility; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant;
16. for existing facilities, a scale drawing of the facility showing the location of all past, present, and future treatment, storage, and disposal areas;
17. for existing facilities, photographs of the facility clearly delineating all existing structures; existing treatment, storage, and disposal areas; and sites of future treatment, storage, and disposal areas;
18. a description of the processes to be used for treating, storing, and disposing of hazardous waste, and the design capacity of these items;
19. a specification of the hazardous wastes listed or designated to be treated, stored, or disposed of at the facility; an estimate of the quantity of such wastes to be treated, stored, or disposed of annually; and a general description of the processes to be used for such wastes;
20. status: ownership status of existing site or land for proposed site (federal, state, private, public, other);
21. operation status;
22. list other company hazardous waste operations in Louisiana (permitted or non-permitted and current or abandoned);
23. list other states in which hazardous waste operations are or have been conducted, as required by LAC 33:I.1701;
24. zoning of site, if applicable;
25. for hazardous debris: a description of the debris category(ies) and contaminant category(ies) to be treated, stored, or disposed of at the facility;
26. other information required in LAC 33:I.1701; and
27. comments.

**Response**

Exide acknowledges the above citation. All information requested is included in this application, specifically the majority of information requested in this section is in the Part I application being submitted simultaneously with this Part II application.

**Subchapter D. Part II General Permit Information Requirements**

**§516. Information Requirements for Solid Waste Management Units**

- A. The following information is required for each solid waste management unit at a facility seeking a permit:**
- 1. the location of the unit on the topographic map required under LAC 33:V.517.B;**
  - 2. designation of type of unit;**
  - 3. general dimensions and structural description (supply any available drawings);**
  - 4. when the unit was operated; and**
  - 5. specification of all waste codes for all hazardous wastes that have been managed at the unit.**
  - 6. details of all ancillary equipment including tanks storing hazardous waste in less than 90-day service and pipes carrying hazardous waste to the injection well(s) must meet the requirements of LAC 33:V.Chapter 19. A certification by an independent Louisiana Registered Professional Engineer must be provided attesting to the adequacy of pipes, valves, and pumps to handle hazardous waste under pressure and to the adequacy of secondary containment provided to meet the requirements of LAC 33:V.Subpart 1.**
- B. The owner or operator of any facility containing one or more solid waste management units must submit all available information pertaining to any known release of hazardous wastes or hazardous constituents from such unit or units.**
- C. The owner/operator must conduct and provide the results of sampling and analysis of groundwater, land surface and/or subsurface strata, surface water, and/or air, which may include the installation of wells, if the administrative authority ascertains it is necessary to complete a RCRA Facility Assessment that will determine whether a more complete investigation is necessary. If the owner/operator has an EPA approved**

**RCRA Facility Investigation, the results of this investigation may be provided to the administrative authority.**

Exide, as a result of a previous RCRA Facility Assessment (RFA) is in the process of conducting a RCRA Facility Investigation (RFI) of four identified solid waste management units (SWMUs). These SWMUs are identified and discussed and shown in Appendix 3 and include SWMU #34 (Slag Storage Area), SWMU #40 (Truck Washdown Area), SWMU #49 (Wastewater Drainage System), and SWMU #60 (Railcar Area). However, the container storage area is not identified as such and, accordingly, this section does not apply to this current application.

**§517. Part II Information Requirements (the Formal Permit Application)**

The formal permit application information requirements presented in this Section reflect the standards promulgated in LAC 33:V.Subpart 1. These information requirements are necessary in order to determine compliance with all standards. Responses and exhibits shall be numbered sequentially according to the technical standards. The permit application must describe how the facility will comply with each of the sections of LAC 33:V.Chapters 15–37 and 41. Information required in the formal permit application shall be submitted to the administrative authority and signed in accordance with requirements in LAC 33:V.509. The description must include appropriate design information (calculations, drawings, specifications, data, etc.) and administrative details (plans, flow charts, decision trees, manpower projections, operating instructions, etc.) to permit the administrative authority to determine the adequacy of the hazardous waste permit application. Certain technical data, such as design drawings, specifications, and engineering studies, shall be certified by a Louisiana registered professional engineer. If a section does not apply, the permit application must state it does not apply and why it does not apply. This information is to be submitted using the same numbering system and in the same order used in these regulations:

- A. a general description of the facility including hours of operation/day and day/week;**

**Response**

Exide proposes no change to the response submitted in the original application.

- B. a topographic map or maps showing a distance of 1,000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet); contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. The map or maps shall clearly show the following:**

- 1. map and scale date;**

**Response**

The map is included as Figure 1.

**2. orientation of the map (north arrow);**

**Response**

A north arrow is included on the map, Figure 1.

**3. 100-year floodplain area;**

**Response**

Exide proposes no change to the response submitted in the original application.

**4. Surface waters including intermittent streams and surface flow through the site and a map of the potentiometric surface for aquifers within 100 feet of lowest elevation of disposal cells, or other facilities containing hazardous waste, from 1,000 feet upstream to 1,000 feet downstream, where practicable. Included should be a general area map and cross sections indicating the extent of freshwater sands, and the degree of isolation from waste sources by confining layers of clay;**

**Response**

Exide proposes no change to the response submitted in the original application.

**5. surrounding land uses (residential, commercial, agricultural, recreational, public) such as schools, hospitals, libraries, etc.;**

**Response**

Exide proposes no change to the response submitted in the original application.

**6. legal boundaries of the TSD facility site;**

**Response**

Exide proposes no change to the response submitted in the original application.

**7. access control (fences, gates);**

**Response**

Exide proposes no change to the response submitted in the original application.

- 8. injection and withdrawal wells both on site and off site;**

**Response**

Exide proposes no change to the response submitted in the original application.

- 9. the proposed location of groundwater monitoring wells as required under LAC 33:V.3315.A and B;**

**Response**

The locations of the groundwater monitoring wells in place for other regulated units at Exide are shown on Figure 3, Facility Plot Plan.

- 10. the proposed "point of compliance" as defined under LAC 33:V.3311;**

**Response**

Exide is not required to comply with the groundwater monitoring requirements for the containment building.

- 11. buildings, treatment, storage, or disposal operations; or other structures (recreation areas, runoff control systems, access and internal roads, storm sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, utilities, security facilities, etc.);**

**Response**

The Containment Building Map is included as Figure 4.

- 12. barriers for drainage or flood control;**

**Response**

Exide proposes no change to the response submitted in the original application.

- 13. location of operational units within the TSD facility site, where hazardous waste is (or will be) treated, stored, or disposed of (including equipment cleanup areas). (For large TSD facilities, the administrative authority may allow the use of other scales on a case-by-case basis); and**

**Response**

The location of the storage areas where hazardous waste will be stored is designated on Figure 4, Containment Building Map.

- 14. natural features affecting off-site drainage patterns, transportation, utilities, and location of effluent discharges.**

**Response**

Exide proposes no change to the response submitted in the original application.

- C. site layout and facility design when phased construction is planned; the plans must indicate each phase and an accompanying schedule of construction;**

**Response**

The only construction planned is for the upgrade to the containment building as included in this modification. The proposed Containment Building Floor Design is included as Figure 5.

- D. chemical and physical analyses of the hazardous wastes and the hazardous debris to be handled at the facility. At a minimum, these analyses shall contain all the information that must be known to treat, store, or dispose of the wastes properly;**

**Response**

The chemical and physical analyses of the hazardous wastes being handled at this facility are included in the revised Waste Analysis Plan included as Appendix 4.

- E. a copy of the waste analysis plan required by LAC 33:V.1519.B;**

**Response**

The revised Waste Analysis Plan is included as Appendix 4.

- F. a description of the security procedures (including entry control, hours manned, lighting, monitoring, and other procedures to prevent unauthorized entry) and equipment required by LAC 33:V.1507 or a justification demonstrating the reasons for requesting a waiver of this requirement;**

**Response**

Exide proposes no change to the response submitted in the original application.

- G. a copy of the general inspection schedule required by LAC 33:V.1509.B. Include, where applicable, as part of the inspection schedule, specific requirements in LAC 33:V.1709, 1719, 1721, 1731, 1755-1759, 1763, 1907.I, 1911, 2109, 2309, 2507, 2703.A-G, 2907, 3119.B and C, and 3205;**

**Response**

The general inspection schedule for the Baton Rouge smelter is included in the inspection plan included as Appendix 5.

- H. a justification of any request for a waiver(s) of the preparedness and prevention requirements of LAC 33:V.1511;**

**Response**

Exide proposes no change to the response submitted in the original application.

- I. a copy of the contingency plan required by LAC 33:V.1513 [Note: Include, where applicable, as part of the contingency plan, specific requirements in LAC 33:V.2909];**

**Response**

A copy of the most current RCRA Contingency Plan and Emergency Response Plan is included as Appendix 6.

- J. a description of procedures, structures, or equipment used at the facility to:**

- 1. prevent hazards in unloading operations (for example, ramps, special forklifts);**

**Response**

The lead-bearing materials are received in containers and off loaded directly into the process or stored in one of three container storage areas. Forklifts are used to handle the material which is done within the runoff controls areas. Front-end loaders are used to transport the lead bearing raw material, prior to recycling.

- 2. prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);**

**Response**

Refer to the RCRA Contingency Plan and Emergency Response Plan in Appendix 6 for a detailed explanation of the methods and practices Exide uses to prevent the runoff from hazardous waste handling areas to other areas of the facility or the environment.

- 3. monitoring leachate control;**

**Response**

Although Exide is not required to have a groundwater monitoring system in place for the containment building, the details of the existing detection monitoring program required for the closed waste piles are outlined in the comprehensive Groundwater Sampling and Analysis Plan included as Appendix 7.



**4. prevent contamination of water supplies;**

**Response**

Exide proposes no change to the response submitted in the original application.

**5. monitor water and air pollution affecting area outside site;**

**Response**

Exide proposes no change to the response submitted in the original application.

**6. mitigate effects of equipment failure, power outages, inclement weather, or other abnormal conditions;**

**Response**

Refer to the RCRA Contingency Plan and Emergency Response Plan in Appendix 6 for a detailed explanation of the methods and practices Exide uses to mitigate the effects of equipment failure, power outages, inclement weather, or other abnormal conditions.

**7. prevent undue exposure of personnel to hazardous waste (for example, protective clothing);**

**Response**

Exide proposes no change to the response submitted in the original application.

**8. prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with LAC 33:V.1517; and**

**Response**

Refer to the RCRA Contingency Plan and Emergency Response Plan in Appendix 6 for a detailed explanation of the methods and practices Exide uses to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes.

**9. prevent nonpermitted releases to the atmosphere.**

**Response**

Exide operates the facility in accordance with all appropriate air permitting requirements. Accordingly, the containment building operates under negative pressure to control dust emissions and occasionally utilizes water spray to suppress dust.

- K. traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes, if appropriate; describe access road surfacing and load bearing capacity; show traffic control signals);**

**Response**

Exide proposes no change to the response submitted in the original application.

- L. an outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with LAC 33:V.1515. A list of general qualifications of key operating positions and a brief description of how training will be designed to meet actual job tasks in accordance with these requirements;**

**Response**

The Training Manual is included as Appendix 8.

- M. a copy of the closure plan and, where applicable, the post-closure plan required by LAC 33:V.3511, 3523, and 1915. Include, where applicable, as part of the plans, specific requirements in LAC 33:V.1915, 2117, 2315, 2521, 2719, 2911, 3121, 3203 and 3207;**

**Response**

Appendix 9 is Exide's Closure and Post-Closure Plan.

- N. for hazardous waste disposal units that have been closed, documentation that notices required in LAC 33:V.3517 have been filed;**

**Response**

Exide proposes no change to the response submitted in the original application.

- O. the most recent closure cost estimate for the facility prepared in accordance with LAC 33:V.3705 and a copy of the documentation required to demonstrate financial assurance under LAC 33:V.3707. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the Part II;**

**Response**

Appendix 9 includes Exide's most recent post-closure cost estimate.

- P. where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with LAC 33:V.3709 plus a copy of the documentation required to demonstrate financial assurance under LAC 33:V.3711. For a new facility, a copy of the required documentation may be**

submitted 60 days prior to the initial receipt of hazardous wastes, if that is later than the submission of the Part II;

**Response**

Appendix 9 includes Exide's most recent post-closure cost estimate.

- Q. where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of LAC 33:V.Chapter 37. For a new facility, documentation showing the amount of insurance meeting the specification of LAC 33:V.Chapter 37 that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal;**

**Response**

Exide proposes no change to the response submitted in the original application.

- R. where appropriate, proof of coverage by a state financial mechanism in compliance with LAC 33:V.Chapter 37;**

**Response**

Appendix 10 provides a copy of Exide's revised Surety Bond for financial assurance requirements.

- S. a wind rose (i.e., prevailing wind speed and direction) and the source of the information;**

**Response**

Exide proposes no change to the response submitted in the original application.

- T. facility location information:**

- 1. Seismic Standard. In order to determine the applicability of the seismic standard, LAC 33:V.1503.A.3, the owner or operator of the facility must identify the political jurisdiction (e.g., parish, township, or election district) in which the facility is proposed to be located.**
  - a. The owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data (including federal hazardous waste regulations) or data obtained from field investigations carried out by the applicant. The information provided must be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:**

- i. no faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in Holocene time) within 3,000 feet of a facility are present, based on data from:
  - (a). published geologic studies, including cites from federal regulations which demonstrate that the requirements of this Section do not apply,
  - (b). aerial reconnaissance of the area within a five-mile radius from the facility,
  - (c). an analysis of aerial photographs covering a 3,000-foot radius of the facility, and
  - (d). if needed to clarify the above data, a reconnaissance based on walking portions of the area within 3,000 feet of the facility, or
- ii. no faults may pass within 200 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within 200 feet of such portions of the facility, data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than 200 feet from portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within 3,000 feet of the portions of the facility where treatment, storage, or disposal of hazardous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of any faults found, and shall be certified by an independent Louisiana registered professional engineer or geologist.

**Response**

Exide proposes no change to the response submitted in the original application.

**2. 100-year floodplain**

- a. Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain.

**Response**

Exide proposes no change to the response submitted in the original application.

- b. **Owners and operators of facilities located in the 100-year floodplain must provide the following information:**
- i. **the 100-year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood;**
  - ii. **engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;**
  - iii. **structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;**
  - iv. **if applicable, and in lieu of the above two provisions, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including:**
  - v. **timing of such movement relative to flood levels, including estimated time to move the waste, showing that such movement can be completed before floodwaters reach the facility;**
  - vi. **a description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with LAC 33:V.Subpart 1;**
  - vii. **the planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; and**
  - viii. **the potential for accidental discharges of the waste during movement.**

**Response**

Exide proposes no change to the response submitted in the original application.

- c. **existing facilities *not* in compliance with LAC 33:V.1503.B.3 shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.**

**Response**

Exide proposes no change to the response submitted in the original application.

**3. site geology, including:**

- a. **certification by a geologist or independent Louisiana registered professional engineer specializing in geotechnical engineering that the ground and subsurface conditions at the site are acceptable for the planned purposes of the facility;**

**Response**

Exide proposes no change to the response submitted in the original application.

- b. **identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);**

**Response**

Exide proposes no change to the response submitted in the original application.

- c. **soil types, textures, and conditions to depth of thirty feet below lowest elevation of planned disposal cells for impoundments, landfill and land treatment facility based on test holes at 200-foot intervals (or greater or less intervals if acceptable to the administrative authority);**

**Response**

Exide proposes no change to the response submitted in the original application.

- d. **logs of test holes and wells, including soil samples for each pertinent strata analyzed for soil type, texture, permeability, and other pertinent characteristics;**

**Response**

Soil boring logs and a site geology report from the original permit submittal along with recent soil boring logs are included in Appendix 11.

- e. **general area map and cross sections indicating the extent of freshwater sands, and the degree of isolation of these aquifers to a depth of 1,000 feet from waste sources by confining layers of clay;**

**Response**

Exide proposes no change to the response submitted in the original application.

- f. on a topographic map, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under LAC 33:V.3311, the proposed location of groundwater monitoring wells as required under LAC 33:V.3315.A and B; and

**Respond**

Exide proposes no change to the response submitted in the original application.

- g. detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of LAC 33:V.3315.A-H.

**Response**

Although Exide is not required to have a groundwater monitoring system in place for the containment building, the details of the existing detection monitoring program required for the closed waste piles are outlined in the comprehensive Groundwater Sampling and Analysis Plan included as Appendix 7.

**4. site hydrology, including:**

- a. travel times in feet/day for normal drainage of each natural surface drainage system within 1,000 feet of the property;

**Response**

Exide proposes no change to the response submitted in the original application.

**b. climate factors:**

- i. the 24-hour/25-year storm rainfall;

**Response**

Exide proposes no change to the response submitted in the original application.

- ii. maximum, minimum, and average temperature/month for past 10 years;

**Response**

Exide proposes no change to the response submitted in the original application.

**iii. Impact of previous hurricanes on area;**

**Response**

Exide proposes no change to the response submitted in the original application.

**iv. comparison of rainfall and evapotranspiration rates; and**

**Response**

Exide proposes no change to the response submitted in the original application.

**v. prevailing wind direction (provide wind rose);**

**Response**

Exide proposes no change to the response submitted in the original application.

**c. a description of any plume of contamination that has entered the groundwater from a regulated unit at the time that the application is submitted that:**

- i. delineates the extent of the plume on the topographic map such as required under LAC 33:V.521.B.4; and**
- ii. identifies the concentration of each Table 4, LAC 33:V.Chapter 33, constituent throughout the plume or identifies the maximum concentrations of each such constituent in the plume;**

**Response**

Exide proposes no change to the response submitted in the original application.

**d. if the presence of hazardous constituents have not been detected in the groundwater at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of LAC 33:V.3317. This submission must address the following items specified under LAC 33:V.3317:**

- i. a proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;**



- ii. a proposed groundwater monitoring system;
- iii. background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and
- iv. a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.

**Response**

Although Exide is not required to have a groundwater monitoring system in place for the containment building, the details of the existing detection monitoring program required for the closed waste piles are outlined in the comprehensive Groundwater Sampling and Analysis Plan included as Appendix 7.

- e. If the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of LAC 33:V.3319. The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of LAC 33:V.3321. To demonstrate compliance with LAC 33:V.3319, the owner or operator must address the following items:

- i. a description of the wastes previously handled at the facility;
- ii. a characterization of the contaminated groundwater, including concentrations of hazardous constituents;
- iii. a list of hazardous constituents for which compliance
- iv. monitoring will be undertaken in accordance with LAC 33:V.3315 and 3317;
- v. proposed concentration limits for each hazardous
- vi. constituent, based on the criteria set forth in LAC 33:V.3309.A, including a justification for establishing any alternate concentration limits;
- vii. detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of LAC 33:V.3315; and
- viii. a description of proposed sampling, analysis, and
- ix. statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

**Response**

Exide proposes no change to the response submitted in the original application.

- f. if hazardous constituents have been measured in the groundwater which exceed the concentration limits established under LAC 33:V.3309, Table 1, or if groundwater monitoring conducted at the time of permit application under LAC 33:V.3301-3309 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of LAC 33:V.3321. To demonstrate compliance with LAC 33:V.3321, the owner or operator must address, at a minimum, the following items:

- i. a characterization of the contaminated groundwater, including concentrations of hazardous constituents;
- ii. the concentration limit for each hazardous constituent found in the groundwater as set forth in LAC 33:V.3309;
- iii. detailed plans and an engineering report describing the corrective action to be taken; and
- iv. a description of how the groundwater monitoring program will demonstrate the adequacy of the corrective action.

**Response**

Exide proposes no change to the response submitted in the original application.

**5. Environmental factors, including:**

- a. list all known historical sites, recreational areas, archaeological sites, wildlife areas, swamps and marshes, habitats for endangered species, and other sensitive ecological areas within 1000 feet of the site; and

**Response**

Exide proposes no change to the response submitted in the original application.

- b. indicate measures planned to protect such areas listed from detrimental impact from the operation of the proposed facility.

**Response**

Exide proposes no change to the response submitted in the original application.

**6. Geographical Factors. For an area within two miles of the proposed site, provide the following:**

- a. **map or aerial photograph showing all buildings identified as residential, commercial, industrial, or public (schools, hospitals, libraries, etc.);**

**Response**

Exide proposes no change to the response submitted in the original application.

- b. **population;**

**Response**

Exide proposes no change to the response submitted in the original application.

- c. **principal livelihood of residents for facilities located in rural areas;**

**Response**

Exide proposes no change to the response submitted in the original application.

- d. **land use; and**

**Response**

Exide proposes no change to the response submitted in the original application.

- e. **road network, with average daily traffic count and route of trucks which will transport waste to the facility.**

**Response**

Exide proposes no change to the response submitted in the original application.

**7. Operations plan, including:**

- a. **classification and estimated quantities of wastes to be handled;**

**Response**

Please see the table below for the classification and estimated quantities of wastes handled at the facility.

## Hazardous Waste Materials Received

Type Material	Code	Estimated Annual Quantity Handled
Spent Lead Acid Batteries	D002, D008	150,000 tons
Lead residues, sludges, plant scraps & other Group I lead bearing hazardous waste	D008	24,000 tons
Lead residues, sludges, slags, and other Group I lead bearing hazardous waste with impurity-level other metal content	D008 (D004, D006, D007, D010, D011)	1,000 tons
Emission control dust from Secondary Lead Smelters	K069	1,000 tons
Group II Recyclable lead bearing materials	D008	30,000 tons
Refractory Brick	D006, D008	200 tons
Petroleum Naptha	D001 R	5,000 tons
Spent nickel-cadmium batteries	D006	250 tons
Battery Components	D008	100,000 tons
Blast Furnace Slag	D008	20,000 tons

### **b. methods and processes utilized:**

#### **i. facility capacity for each disposal method;**

##### **Response**

Exide is not a hazardous waste disposal facility.

#### **ii. detailed description of each process or method:**

##### **Response**

Please refer to Figure 2 for a flow chart that describes the processes that occur within the containment building.

#### **iii. storage and disposal procedures:**

##### **(a). plans for receipt, checking, processing, segregation of incompatible wastes, and odor control; and**

##### **Response**

The Containment Building (Figure 4) is comprised of three main areas. Area 1 is the Raw Material Storage Area. This area is utilized for the storage and mixing of dry hazardous wastes, scrap metals, drosses, slag, pastes, and battery components. Area 2 is the Paste Storage Area which is used

for the initial staging of desulfurized lead pastes from the battery breaking/desulfurization process prior to moving the paste to the Raw Material Storage Areas for mixing and staging. The paste stored in this area is visibly moist and on occasion, contains free liquids. Areas 1 and 2 store hazardous waste prior to processing through the furnaces in the Production Area of the plant (Area 3).

Most of the spent lead acid storage batteries received are fed directly into battery breaker units. During peak operational periods, the batteries may be stored in either the truck/trailer storage areas or the Whole Battery Container Storage Area.

The trailer container area has an impervious base which is sloped to a collection sump and is bermed to contain the liquid from 10 percent of the stored batteries plus the 25 years-24 hour record stormwater. Collected water from the sump is pumped to the wastewater treatment plant for treatment.

The Whole Battery Container Storage Area has an impervious base which is sloped to a collection sump. The area is bermed to collect 10 percent of the liquid in the batteries and is under roof to preclude run on or run off. Any liquid collected in the sump is pumped to the battery breaker unit for neutralization prior to pumping to the wastewater treatment plant. Spent batteries are neither ignitable, reactive, or incompatible.

During normal operations, battery plates/oxides/lugs are drained at the battery breaking operation and transported to the Paste Storage Area (Area 2) of the containment building. is used for the initial staging of neutralized lead paste (paste) from the battery breaking/desulfurization process prior to moving the paste to the Raw Material Storage Areas (Area 1), for mixing and staging, prior to processing through the furnaces in the Production Area (Area 3) of the plant. The paste stored in this area may contain free standing liquids.

The new design of Area 2 includes a sloped primary barrier consisting of 4 inches of concrete, a HDPE liner and acid brick to prevent migration of hazardous constituents. Drainage from this primary barrier system is directed to sumps to minimize the accumulation of free liquids on the primary barrier. Beneath the primary barrier is a granular drainage layer with perforated PVC collection lines that is constructed to interrupt any liquids that may penetrate the primary liner systems. This granular layer will serve as a leak detection system. Beneath

the granular drainage layer is a 1.5-inch layer of asphalt and a 4-inch layer of concrete that acts as a secondary barrier layer to prevent migration of hazardous constituents. Drawings of this design are included as Figure 5.

Area 1 is utilized for the storage of lead materials containing no free liquids such as battery components, indigenous wastes, and slag. This area is constructed of an impermeable concrete primary barrier. The floors and walls of Area 1 are the primary barrier system. The primary barrier system is constructed of man-made materials designed to withstand the movement of and contact with personnel, waste, and handling equipment during the operating life of the unit and are appropriate for the physical and chemical characteristics of the lead bearing materials to be managed. Sketches of the floor constructions in the storage area (Area 1) are included with the professional engineer's certification documents in Appendix 12. These sketches depict the area's barrier system.

Battery plates/oxide/lugs received from off-site are also stored in the dry containment building storage area. These lead bearing materials do not contain free liquids but do contain some moisture which inherently prevents/controls fugitive emissions. Therefore, no negative pressure devices nor wetting of storage materials are utilized. However Exide does use wetting to control dust on the roadway/traffic areas in compliance with OSHA lead standard and the secondary lead smelter NESHAP standard.

Exide will conduct weekly inspections of the containment building and the storage units as detailed in Appendix 5 to insure that the units are being operated properly and that no leaks/releases have occurred to the air, ground, or water.

K069 and D008 wastes are received and stored in the K069/D008 container storage area. These materials are packaged in sealed containers and placed on pallets. The materials are neither ignitable, reactive, or incompatible and do not contain free liquids.

Finally, Exide has a Dust Suppression system, the details of which are included in Appendix 13. Incompatible wastes are not received at the containment building and odor control is not necessary to manage the wastes that Exide handles.

**(b). life of each facility based on projected use;**

**Response**

Exide is an ongoing entity. Storage of recyclable material will continue as long as the facility is operational. Operation of the facility and associated waste management units is expected to continue for a minimum of thirty years.

**(c). describe recordkeeping procedures, types of records to be kept, and use of the records by management to control the operation; and**

**Response**

Exide proposes no change to the response submitted in the original application.

**(d). monitoring and recording of incoming wastes;**

**Response**

Exide proposes no change to the response submitted in the original application.

**U. Special Requirements. Administrative authority may require additional provisions for special procedures or processes, for specific information for a supplementary environmental analysis, or for such information as may be necessary to enable the administrative authority to carry out his duties under other state laws;**

**Response**

Exide proposes no change to the response submitted in the original application.

**V. for land disposal facilities, if an approval has been granted under LAC 33:V.2239, a petition has been approved under LAC 33:V.2241 or 2271, or a determination made under LAC 33:V.2273, a copy of the notice of approval or a determination is required; and**

**Response**

Exide proposes no change to the response submitted in the original application.

**W. a summary of the preapplication meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under LAC 33:V.708.A.3.**

**Response**

A summary of the Preapplication Meeting Minutes is included as Appendix 14 (to be included when available following meeting).

## **Subchapter E. Specific Information Requirements**

### **§519. Contents of Part II: General Requirements**

Part II of the permit application consists of the general information requirements of this Section, and the specific information requirements in LAC 33:V.519-549 applicable to the facility. The Part II information requirements presented in LAC 33:V.519-549 reflect the standards promulgated in LAC 33:V.Chapters 15-37. These information requirements are necessary in order for the administrative authority to determine compliance with LAC 33:V.Chapters 15-37. If owners and operators of Hazardous Waste Management facilities can demonstrate that the information prescribed in Part II cannot be provided to the extent required, the administrative authority may make allowance for submission of such information on a case-by-case basis. Information required in Part II shall be submitted to the administrative authority and signed in accordance with requirements in Subchapter B of this Chapter. Certain technical data, such as design drawings and specifications and engineering studies, shall be certified by a Louisiana registered professional engineer. For post-closure permits, only the information specified in LAC 33:V.528 is required in Part II of the permit application.

#### **Response**

Included in this document are the general information requirements and the applicable specific information requirements.

### **§520. Specific Part II Information Requirements for Groundwater Protection**

The following additional information regarding protection of groundwater is required from owners or operators of hazardous waste facilities containing a regulated unit except as provided in LAC 33:V.3301.B and C:

In accordance with LAC 33:V.3301.C, the containment building as a regulated unit is not subject to regulation for releases into the uppermost aquifer under Chapter 33. Please see the response to LAC 33:V.3301.C. The current groundwater monitoring system does not monitor for potential contamination from the containment building due to the extensive primary and secondary containment system that will be upgraded as a result of this modification. However, this section has been addressed in as much detail as possible to give information regarding the existing groundwater monitoring system. -

- A. a summary of the groundwater monitoring data obtained during the interim status period under LAC 33:V.4367, 4369, 4371, 4373, and 4375, where applicable;**



**Response**

A summary of Groundwater Sampling Results is included as Appendix 15.

- B. identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);**

**Response**

See the Soil Boring Logs and Site Geology Report in Appendix 11 and the Groundwater Sampling and Analysis Plan in Appendix 7.

- C. on the topographic map required under LAC 33:V.517.B, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under LAC 33:V.3311, the proposed location of groundwater monitoring wells as required under LAC 33:V.3315, and, to the extent possible, the information required in LAC 33:V.520.B;**

**Response**

See the Soil Boring Logs and Site Geology Report in Appendix 11 and the Groundwater Sampling and Analysis Plan in Appendix 7.

- D. a description of any known plume of contamination that has entered the groundwater from a regulated unit at the time that the application was submitted that:**

- 1. delineates the extent of the plume on the topographic map required under LAC 33:V.517.B; and**

**Response**

Exide has not detected any plumes from any regulated units.

- 2. identifies the concentration of each constituent listed in LAC 33:V.3325 throughout the plume or identifies the maximum concentrations of each LAC 33:V.3325 constituent in the plume;**

**Response**

Exide has not detected any plumes from any regulated units.

- E. detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of LAC 33:V.3315;**

**Response**

Although not required for the containment building, Exide currently maintains a Groundwater Monitoring Program discussed in the Groundwater Sampling and Analysis Plan, Appendix 7.

- F. if the presence of hazardous constituents has not been detected in the groundwater at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program that meets the requirements of LAC 33:V.3317. This submission must address the following items specified under LAC 33:V.3317:

1. a proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;

**Response**

See the Groundwater Sampling and Analysis Plan, Appendix 7.

2. a proposed groundwater monitoring system;

**Response**

See the Groundwater Sampling and Analysis Plan, Appendix 7.

3. background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

**Response**

See the Groundwater Sampling and Analysis Plan, Appendix 7.

4. a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

**Response**

See the Groundwater Sampling and Analysis Plan, Appendix 7.

- G. if the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of the permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program that meets the requirements of LAC 33:V.3319. Except as provided in LAC 33:V.3317.H, the owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of LAC 33:V.3321, unless the owner or operator obtains written authorization in

advance from the administrative authority to submit a proposed permit schedule for submittal of such a plan. To demonstrate compliance with LAC 33:V.3319, the owner or operator must address the following items:

1. a description of the hazardous waste code specified in LAC 33:V.Chapter 49 for the wastes previously handled at the facility;

**Response**

Exide has not determined the presence of hazardous constituents in the groundwater, therefore, this section does not apply.

2. a characterization of the contaminated groundwater, including concentrations of hazardous constituents;

**Response**

Exide has not determined the presence of hazardous constituents in the groundwater, therefore, this section does not apply.

3. a list of hazardous constituents for which compliance monitoring will be undertaken in accordance with LAC 33:V.3315 and 3319;

**Response**

Exide has not determined the presence of hazardous constituents in the groundwater, therefore, this section does not apply.

4. proposed concentration limits for each hazardous constituent, based on the criteria set forth in LAC 33:V.3309.A, including a justification for establishing any alternate concentration limits;

**Response**

Exide has not determined the presence of hazardous constituents in the groundwater, therefore, this section does not apply.

5. detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of LAC 33:V.3315; and

**Response**

Exide has not determined the presence of hazardous constituents in the groundwater, therefore, this section does not apply.

6. a description of proposed sampling, analysis, and statistical comparison procedures to be utilized in evaluating groundwater monitoring data;

**Response**

Exide has not determined the presence of hazardous constituents in the groundwater, therefore, this section does not apply.

**H. if hazardous constituents have been measured in the groundwater that exceed the concentration limits established under LAC 33:V.3309.Table 1, or if groundwater monitoring conducted at the time of permit application under LAC 33:V.4367, 4369, 4371, 4373, and 4375 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program that meets the requirements of LAC 33:V.3321. However, an owner or operator is not required to submit information to establish a corrective action program if he or she demonstrates to the administrative authority that alternate concentration limits will protect human health and the environment after considering the criteria listed in LAC 33:V.3309.B. An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program that meets the requirements of LAC 33:V.3319 and LAC 33:V.520.F. To demonstrate compliance with LAC 33:V.3321, the owner or operator must address, at a minimum, the items listed in LAC 33:V.520.H.1-4 below (the permit may contain a schedule for submittal of the information required in LAC 33:V.520.H.3 and 4 provided the owner or operator obtains written authorization from the administrative authority prior to submittal of the complete permit application):**

- 1. a characterization of the contaminated groundwater, including concentrations of hazardous constituents;**
- 2. the concentration limit for each hazardous constituent found in the groundwater as set forth in LAC 33:V.3309;**
- 3. detailed plans and an engineering report describing the corrective action to be taken; and**
- 4. a description of how the groundwater monitoring program will demonstrate the adequacy of the corrective action.**
- 5. the permit may contain a schedule for submittal of the information required in LAC 33:V.520.H.3 and 4 provided the owner or operator obtains written authorization from the administrative authority prior to submittal of the complete permit application.**

**Response**

Exide has not identified any hazardous constituents with its Groundwater Monitoring Program, therefore, this section does not apply.

## **§521. Specific Part II Information Requirements for Containers**

**Except as otherwise provided in LAC 33:V.2101 owners or operators of facilities that store containers of hazardous waste must provide the following additional information:**

- A. a description of the containment system to demonstrate compliance with LAC 33:V.2111; show at least the following:**
  - 1. basic design parameters, dimensions, and materials of construction;**
  - 2. how the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;**
  - 3. capacity of the containment system relative to the number and volume of containers to be stored;**
  - 4. provisions for preventing or managing run-on;**
  - 5. how accumulated liquids can be analyzed and removed to prevent overflow;**
- B. for storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with LAC 33:V.2111.C including:**
  - 1. test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and**
  - 2. a description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;**
- C. sketches, drawings, or data demonstrating compliance with LAC 33:V.2113 (location of buffer zone and containers holding ignitable or reactive wastes) and LAC 33:V.2115.C (location of incompatible wastes), where applicable;**
- D. where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with LAC 33:V.2107.A-C, and 1517.B-D; and**
- E. information on air emission control equipment as required in LAC 33:V.526.**

**Response**

This modification addresses the addition of the containment building only and does not include any changes to the original permit regarding the container storage areas.

**§523. Specific Part II Information Requirements for Tanks**

**Except as otherwise provided in LAC 33:V.1901, owners and operators of facilities that use tanks to store or treat hazardous waste must provide the following additional information:**

- A. a written assessment that is reviewed and certified by an independent, qualified registered professional engineer as to the structural integrity and suitability for handling hazardous waste for each tank system, as required under LAC 33:V.1903 and 1905;**
- B. dimensions and capacity of each tank;**
- C. descriptions of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);**
- D. a diagram of piping, instrumentation, and process flow for each tank system;**
- E. a description of materials and equipment used to provide external corrosion protection, as required under LAC 33:V.1905.A.3.b;**
- F. for new tank systems, a detailed description of how the tank system(s) will be installed in compliance with LAC 33:V.1905.B, C, D, and E;**
- G. detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of LAC 33:V.1907.A, B, C, D and F;**
- H. for tank systems for which a variance from the requirements of LAC 33:V.1907 is sought (as provided by LAC 33:V.1907.G):**
  - 1. detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water during the life of the facility, or**
  - 2. a detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment;**

- I. descriptions of controls and practices to prevent spills and overflows, as required under LAC 33:V.1909.B;
- J. for tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of LAC 33:V.1917 and 1919; and
- K. information on air emission control equipment as required in LAC 33:V.526.

**Response**

Exide does not use tanks to store or treat hazardous waste, therefore this section is not applicable.

**§525. Specific Part II Information Requirements for Surface Impoundments**

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that treat, store, or dispose of hazardous waste in surface impoundments must provide the following additional information:

- A. a list of the hazardous wastes placed or to be placed in each surface impoundment;
- B. detailed plans and an engineering report describing how the surface impoundment is designed and is or will be constructed, operated and maintained to meet the requirements of LAC 33:V.1504, 2903, 2904, and 2906. This submission must address the following items:
  - 1. the liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought as provided by LAC 33:V.2903.B, submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;
  - 2. the double liner and leak (leachate) detection, collection and removal system, if the surface impoundment must meet the requirements of LAC 33:V.2903.J. If an exemption from the requirements for double liners and leak detection, collection and removal system or alternative design is sought as provided by LAC 33:V.2903.C, K, or L, submit appropriate information;
  - 3. if the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection

**system design and operation and the location of the saturated zone in relation to the leak detection system;**

- 4. the construction quality assurance (CQA) plan, if required under LAC 33:V.1504;**
  - 5. proposed action leakage rate, with rationale, if required under LAC 33:V.2904 and response action plan, if required under LAC 33:V.2906;**
  - 6. prevention of overtopping; and**
  - 7. structural integrity of dikes;**
- C. a description of how each surface impoundment, including the double liner system, leak detection system, cover system, and appurtenances for control of overtopping, will be inspected in order to meet the requirements of LAC 33:V.2907.B, C, and E. This information must be included in the inspection plan submitted under LAC 33:V.517.G;**
- D. a description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of LAC 33:V.2907.B and C;**
- E. a certification by a qualified engineer which attests to the structure integrity of each dike, as required under LAC 33:V.2907.D. For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;**
- F. a description of the procedure to be used for removing a surface impoundment from service, as required under LAC 33:V.2909.B and C;**
- G. a description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under LAC 33:V.2911.A. For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how LAC 33:V.2911.B and C will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan;**
- H. if ignitable or reactive wastes are to be placed in a surface impoundment an explanation of how LAC 33:V.2913 will be complied with;**
- I. if incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how LAC 33:V.2915 will be complied with;**



**J. a waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the requirements of LAC 33:V.2917. This submission must address the following items:**

- 1. the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;**
- 2. the attenuative properties of underlying and surrounding soils or other materials;**
- 3. the mobilizing properties of other materials codisposed with these wastes; and**
- 4. the effectiveness of additional treatment, design, or monitoring techniques; and**

**K. information on air emission control equipment as required in LAC 33:V.526.**

**Response**

Exide does not use surface impoundments to store or treat hazardous waste, therefore this section is not applicable.

**§526. Specific Part II Information Requirements for Air Emission Controls for Tanks, Surface Impoundments, and Containers**

**A. Except as otherwise provided in LAC 33:V.1501, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of LAC 33:V.Chapter 17. Subchapter C shall provide the following additional information:**

- 1. documentation for each floating roof cover installed on a tank subject to LAC 33:V.1755.D.1 or 2 that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the applicable design specifications as listed in LAC 33:V.1755.E.1 or F.1;**
- 2. identification of each container area subject to the requirements of LAC 33:V.Chapter 17. Subchapter C and certification by the owner or operator that the requirements of this Chapter are met;**

3. documentation for each enclosure used to control air pollutant emissions from tanks or containers in accordance with the requirements of LAC 33:V.1755.D.5 or 1759.E.1.b that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in *Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure* under 40 CFR 52.741, appendix B;
4. documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of LAC 33:V.1757.C that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in LAC 33:V.1757.C.1;
5. documentation for each closed-vent system and control device installed in accordance with the requirements of LAC 33:V.1761 that includes design and performance information as specified in LAC 33:V.530.C and D;
6. an emission monitoring plan for both Method 21 in 40 CFR part 60, appendix A and control device monitoring methods. This plan shall include the following information: monitoring point(s), monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliance; and
7. when an owner or operator of a facility subject to LAC 33:V.Chapter 43, Subchapter V cannot comply with LAC 33:V.Chapter 17, Subchapter C by the date of permit issuance, the schedule of implementation required under LAC 33:V.1751.

**Response**

This modification addresses the addition of the containment building therefore this section does not apply.

**§527. Specific Part II Information Requirements for Waste Piles**

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that treat or store hazardous waste in waste piles must provide the following additional information:

- A. a list of hazardous wastes placed or to be placed in each waste pile;

- B. if an exemption is sought to LAC 33:V.2303 and LAC 33:V.Chapter 33 as provided by LAC 33:V.2301.C, an explanation of how the standards of LAC 33:V.2301.C will be complied with;**
- C. detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated and maintained to meet the requirements of LAC 33:V.2303. This submission must address the following items as specified in LAC 33:V.2303:**
- 1. the liner system (except for an existing portion of a pile), if the waste pile must meet the requirements of LAC 33:V.2303.A. If an exemption from the requirement for a liner is sought, as provided by LAC 33:V.2303.B, the owner or operator must submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituent into the groundwater or surface water at any future time;**
    - a. the double liner and leak (leachate) detection, collection, and removal system, if the waste pile must meet the requirements of LAC 33:V.2303.C. If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by LAC 33:V.2303.D, E, or F, submit appropriate information;**
    - b. if the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation and the location of the saturated zone in relation to the leak detection system;**
    - c. the construction quality assurance (CQA) plan if required under LAC 33:V.1504;**
    - d. proposed action leakage rate, with rationale, if required under LAC 33:V.2304 and response action plan, if required under LAC 33:V.2306;**
  - 2. control of run-on;**
  - 3. control of run-off;**
  - 4. management of collection and holding units associated with run-on and run-off control systems; and**
  - 5. control of wind dispersal of particulate matter, where applicable.**

- D. if an exemption from LAC 33:V.Chapter 33 is sought as provided by LAC 33:V.2303 or 2307 submit detailed plans and an engineering report describing how the requirements of LAC 33:V.2303.B or 2307 will be complied with;**
- E. a description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system, and appurtenance for control of run-on and run-off, will be inspected in order to meet the requirements of LAC 33:V.2309.A, B, and C. This information must be included in the inspection plan submitted under LAC 33:V.517.G;**
- F. if treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;**
- G. if ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of LAC 33:V.2311 will be complied with;**
- H. if incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how LAC 33:V.2313 will be complied with;**
- I. a description of how hazardous waste residues and contaminated materials will be removed from the waste pile at closure, as required under LAC 33:V.2315.A. For any waste not to be removed from the waste pile upon closure, this owner or operator must submit detailed plans and an engineering report describing how LAC 33:V.2521.A and B will be complied with;**
- J. a waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027 describing how a waste pile that is not enclosed (as defined in LAC 33:V.2301.C) is or will be designed, constructed, operated, and maintained to meet the requirements of LAC 33:V.2317. This submission must address the following items:**
  - 1. the volume, physical, and chemical characteristics of the wastes to be disposed in the waste pile, including their potential to migrate through soil or to volatilize or escape into the atmosphere;**
  - 2. the attenuative properties of underlying and surrounding soils or other materials;**
  - 3. the mobilizing properties of other materials codisposed with these wastes; and**
  - 4. the effectiveness of additional treatment, design, or monitoring techniques.**

**Response**

Exide does not use waste piles to store or treat hazardous waste, therefore this section is not applicable.

**§528. Part II Information Requirements for Post-Closure Permits**

For post-closure permits, the owner or operator is required to submit only the information specified in LAC 33:V.516; 517.A, B, F, G, H, M, N, P, R, and T; and 520, unless the administrative authority determines that additional information from LAC 33:V.516, 517, 520, 523, 525, 527, 531, and 533 is necessary. The owner or operator is required to submit the same information when an alternative authority is used in lieu of a post-closure permit as provided in LAC 33:V.305.H.

**Response**

Exide acknowledges the above and will submit the specified information unless the administrative authority determines that further information is necessary.

**§529. Specific Part II Information Requirements for Incinerators**

Except as LAC 33:V.Chapter 31 provides otherwise, owners and operators of facilities that incinerate hazardous waste must fulfill the requirements of Subsection A, B, or C of this Section.

**A. When seeking an exemption under LAC 33:V.3105.B or C of this Part (ignitable, corrosive, or reactive wastes only):**

- 1. documentation that the waste is listed as a hazardous waste in LAC 33:V.Chapter 49 of this Part, solely because it is ignitable (Hazard Code I) or corrosive (Hazard Code C) or both; or**
- 2. documentation that the waste is listed as a hazardous waste in LAC 33:V.Chapter 49 of this Part, solely because it is reactive (Hazard Code R) for characteristics other than those listed in LAC 33:V.4903.C.4 and C.5 of this Part, and will not be burned when other hazardous wastes are present in the combustion zone; or**
- 3. documentation that the waste is a hazardous waste solely because it possesses the characteristics of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous waste under LAC 33:V.4903 of this Part; or**
- 4. documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in LAC 33:V.4903.C.1, 2,**

**3, 6, 7 or 8 of this Part, and that it will not be burned when other hazardous wastes are present in the combustion zone; or**

**B. Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with LAC 33:V.3115; or**

**C. In lieu of a trial burn, the applicant may submit the following information:**

**1. an analysis of each waste or mixture of wastes to be burned including:**

**a. heat value of the waste in the form and composition in which it will be burned;**

**b. viscosity (if applicable), or description of physical form of the waste;**

**c. an identification of any hazardous organic constituents listed in Table 1, LAC 33:V.Chapter 31, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Table 1, LAC 33:V.Chapter 31, which would reasonably not be expected to be found in the waste; the constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110, or their equivalent.**

**d. an approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110;**

**e. a quantification of those hazardous constituents in the waste which may be designated as POHC's based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in LAC 33:V.3111.**

**2. A detailed engineering description of the incinerators, including:**

**a. manufacturer's name and model number of incinerator;**

**b. type of incinerator;**

- c. linear dimension of incinerator unit including cross sectional area of combustion chamber;
  - d. description of auxiliary fuel system (type/feed);
  - e. capacity of prime mover;
  - f. description of automatic waste feed cutoff system(s);
  - g. stack gas monitoring and pollution control monitoring system;
  - h. nozzle and burner design;
  - i. construction materials;
  - j. location and description of temperature, pressure, and flow indicating devices and control devices;
3. a description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed; The data should include those items listed in Subsection C.1 of this Section. This analysis should specify the POHC's which the applicant has identified in the waste for which a permit is sought, and any differences from the POHC's in the waste for which burn data are provided;
  4. the design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;
  5. a description of the results submitted from any previously conducted trial burn(s) including:
    - a. sampling and analysis techniques used to calculate performance standards in LAC 33:V.3111;
    - b. methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);
  6. the expected incinerator operation information to demonstrate compliance with LAC 33:V.3111 and 3117 of this Part including:
    - a. expected carbon monoxide (CO) level in the stack exhaust gas;
    - b. waste feed rate;

- c. **combustion zone temperature;**
    - d. **indication of combustion gas velocity;**
    - e. **expected stack gas volume, flow rate, and temperature;**
    - f. **computed residence time for waste in the combustion zone;**
    - g. **expected hydrochloric acid removal efficiency;**
    - h. **expected fugitive emissions and their control procedures;**
    - i. **proposed waste feed cut-off limits based on the identified significant operating parameters;**
  - 7. **such supplemental information as the administrative authority finds necessary to achieve the purposes of this Subsection;**
  - 8. **waste analysis data, including that submitted in Subsection C.1 of this Section, sufficient to allow the administrative authority to specify as permit Principal Organic Hazardous Constituents (permit POHC's) those constituents for which destruction and removal efficiencies will be required.**
- D. The administrative authority shall approve a permit application without a trial burn if he finds that:**
- 1. **the wastes are sufficiently similar; and**
  - 2. **the incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under LAC 33:V.3117 of this Part) operating conditions that will ensure that the performance standards in LAC 33:V.3111 of this Part will be met by the incinerator.**
- E. Commercial Hazardous Waste Incinerators. The administrative authority shall issue no new permit or substantial permit modification, as defined in LAC 33:I.1503, that authorizes the construction or operation of any commercial hazardous waste incineration facility, of any type, until the permit applicant complies with:**
- 1. **all applicable hazardous waste regulations in LAC 33:V, particularly as they pertain to:**
    - a. **design as required in LAC 33:V.Chapters 5 and 31;**



- b. siting as required in LAC 33:V.Chapters 5, 7, and 15;
  - c. construction as required in LAC 33:V.Chapters 7 and 31;
  - d. operation as required in LAC 33:V.Chapters 3, 5, 7, and 31,
  - e. emission limitations as required in LAC 33:V.Chapters 5 and 31; and
  - f. disposal methods as required in LAC 33:V.Chapters 22, 31, and 35;
- 2. all applicable air quality regulations in LAC 33:III; and
  - 3. all applicable water quality regulations in LAC 33:IX.

**Response**

Exide does not use incinerators to treat hazardous waste, therefore this section is not applicable.

**§530. Specific Part II Information Requirements for Process Vents**

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that have process vents to which LAC 33:V.Chapter 17, Subchapter A applies must provide the following additional information:

- A. Facilities that cannot install a closed-vent system and control device to comply with the provisions of LAC 33:V.Chapter 17, Subchapter A, on the effective date that the facility becomes subject to the provisions of LAC 33:V.Chapter 17, Subchapter A, and Chapter 43, Subchapter Q, must provide an implementation schedule as specified in LAC 33:V.1709.A.2.
- B. Documentation of compliance with the process vent standards in LAC 33:V.1707 must be provided, including:
  - 1. information and data identifying all affected process vents, annual throughput, and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan);
  - 2. information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g.,

temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur;

3. information and data used to determine whether or not a process vent is subject to the requirements of LAC 33:V.1707.
- C. Owners or operators who apply for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with the requirements of LAC 33:V.1707, and choose to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device must provide a performance test plan as specified in LAC 33:V.1713.B.3.
- D. Documentation of compliance with LAC 33:V.1709 must be provided, including:
1. a list of all information references and sources used in preparing the documentation;
  2. records including the dates of each compliance test required by LAC 33:V.1709.K;
  3. a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," as incorporated by reference at LAC 33:V.110, or other engineering texts acceptable to the administrative authority that present basic control device design information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in LAC 33:V.1713.B.4.a;
  4. a statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur;
  5. a statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater unless the total organic emission limits of LAC 33:V.1707.A for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

**Response**

Exide does not use process vents to control emissions from hazardous waste, therefore this section is not applicable.

**§531. Specific Part II Information Requirements for Land Treatment Facilities**

**Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that use land treatment to dispose of hazardous waste must provide the following additional information:**

- A. A description of plans to conduct a treatment demonstration as required under LAC 33:V.2707. The description must include the following information:**
- 1. the wastes for which the demonstration will be made and the potential hazardous constituents in the waste;**
  - 2. the data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);**
  - 3. any specific laboratory or field test that will be conducted, including:**
    - a. the type of test (e.g., column leaching, degradation);**
    - b. materials and methods, including analytical procedures;**
    - c. expected time for completion;**
    - d. characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices.**
- B. A description of a land treatment program, as required under LAC 33:V.2705. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:**
- 1. the wastes to be land treated;**
  - 2. design measures and operating practices necessary to maximize treatment in accordance with LAC 33:V.2703.A including:**
    - a. waste application method and rate;**
    - b. measures to control soil pH;**

- c. enhancement of microbial or chemical reactions;
      - d. control of moisture content;
    - 3. provisions for unsaturated zone monitoring, including:
      - a. sampling equipment, procedures, and frequency;
      - b. procedures for selecting sampling locations;
      - c. analytical procedures;
      - d. chain of custody control;
      - e. procedures for establishing background values;
      - f. statistical methods for interpreting results;
      - g. the justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for such selection in LAC 33:V.2711.A;
    - 4. a list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to LAC 33:V.1519;
    - 5. the proposed dimensions of the treatment zone;
  - C. A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of LAC 33:V.2303. This submission must address the following items:
    - 1. control of run-on;
    - 2. collection and control of run-off;
    - 3. minimization of run-off of hazardous constituents from the treatment zone;
    - 4. management of collection and holding facilities associated with run-on and run-off control systems;
    - 5. periodic inspection of this unit. This information should be included in the inspection plan.
    - 6. control of wind dispersal of particulate matter, if applicable;

- D. No food-chain crops are to be grown in or on the treatment zone of the land treatment unit.
- E. A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under LAC 33:V.2709.A.8 and C.2. This information should be included in the closure plan and, where applicable, the post-closure plan.
- F. If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of LAC 33:V.2715 will be complied with.
- G. If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how LAC 33:V.2717 will be complied with.
- H. A waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026 and F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of LAC 33:V.2723. This submission must address the following items:
  - 1. the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
  - 2. the attenuative properties of underlying and surrounding soils or other materials;
  - 3. the mobilizing properties of other materials codisposed with these wastes; and
  - 4. the effectiveness of additional treatment, design, or monitoring techniques.

**Response**

Exide does not use land treatment facilities to treat or store hazardous waste, therefore this section is not applicable.

**§532. Special Part II Information Requirements for Drip Pads**

- A. Except as otherwise provided by LAC 33:V.Chapter 15, owners and operators of hazardous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads must provide the following additional information:

- 1. a list of hazardous wastes placed or to be placed on each drip pad;**
- 2. if an exemption is sought to LAC 33:V.Chapter 33, as provided by LAC 33:V.3301, detailed plans and an engineering report describing how the requirements of LAC 33:V.3301 will be met;**
- 3. detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated and maintained to meet the requirements of LAC 33:V.2805, including the as-built drawings and specifications. This submission must address the following items as specified in LAC 33:V.2803:**
  - a. the design characteristics of the drip pad;**
  - b. the liner system;**
  - c. the leakage detection system, including how the system is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;**
  - d. practices designed to maintain drip pads;**
  - e. the associated collection system;**
  - f. control of run-on to the drip pad;**
  - g. control of run-off from the drip pad;**
  - h. the interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;**
  - i. procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including but not limited to rinsing, washing with detergents or other appropriate solvents, or steam cleaning and provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned;**
  - j. operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste constituents off the drip pad due to activities by personnel or equipment is minimized;**

- k. procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and nonpressure processes is held on the drip pad until drippage has ceased; including recordkeeping practices;
- l. provisions for ensuring that collection and holding units associated with the run-on and run-off control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;
- m. if treatment is carried out on the drip pad, details of the process equipment used and the nature and quality of the residuals;
- n. a description of how each drip pad, including appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of LAC 33:V.2805. This information should be included in the inspection plan submitted under LAC 33:V.517.G;
- o. a certification signed by an independent qualified, registered professional engineer stating that the drip pad design meets the requirements of LAC 33:V.2805.A-F;
- p. a description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under LAC 33:V.2809.A. For any waste not to be removed from the drip pad upon closure, the owner or operator must submit detailed plans and an engineering report describing how LAC 33:V.2521.A and B will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under LAC 33:V.517.M.

**Response**

Exide does not use drip pads to treat or store hazardous waste, therefore this section is not applicable.

**§533. Specific Part II Information Requirements for Landfills**

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that dispose of hazardous waste in landfills must provide the following additional information:

- A. a list of the hazardous wastes placed in each landfill or landfill cell;
- B. detailed plans and an engineering report describing how the landfill is designed and is or will be constructed, operated and maintained to comply

with the requirements of LAC 33:V.1504, 2503, 2504, and 2507. This submission must address the following items:

1. the liner system (except for an existing portion of a landfill), if the landfill must meet the requirements of LAC 33:V.2503.A. If an exemption from the requirement for a liner is sought as provided by LAC 33:V.2503.L, submit detailed plans and engineering and hydrogeological reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the groundwater or surface water at any future time;
  2. the double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of LAC 33:V.2503.K. If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by LAC 33:V.2503.L or M, submit appropriate information;
  3. if the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation and the location of the saturated zone in relation to the leak detection system;
  4. the construction quality assurance (CQA) plan if required under LAC 33:V.1504;
  5. proposed action leakage rate, with rationale, if required under LAC 33:V.2504, and response action plan, if required under LAC 33:V.2508;
  6. control of run-on;
  7. control of run-off;
  8. management of collection and holding facilities associated with run-on and run-off control systems; and
  9. control of wind dispersal of particulate matter, where applicable;
- C. there are no exemptions from the groundwater protection requirements of LAC 33:V.Chapter 33;
- D. a description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of LAC 33:V.2507.B, C, and D. This information should be included in the inspection plan submitted under LAC 33:V.517.G;



- E. detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with LAC 33:V.2521.A, and a description of how each landfill will be maintained and monitored after closure in accordance with LAC 33:V.2521.B. This information should be included in the closure and post-closure plans;
- F. if ignitable or reactive wastes will be landfilled, an explanation of how the standards of LAC 33:V.2511 will be complied with;
- G. if incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how LAC 33:V.2513 will be complied with;
- H. bulk or non-containerized liquid waste or wastes containing free liquids to be landfilled must comply with LAC 33:V.2515;
- I. if containers of hazardous waste are to be landfilled, an explanation of how the requirements of LAC 33:V.2517 or LAC 33:V.2519, as applicable, will be complied with.
- J. a waste management plan for EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027 describing how a landfill is or will be designed, constructed, operated, and maintained to meet the requirements of LAC 33:V.2523. This submission must address the following items:
  - 1. the volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
  - 2. the attenuative properties of underlying and surrounding soils or other materials;
  - 3. the mobilizing properties of other materials codisposed with these wastes; and
  - 4. the effectiveness of additional treatment, design, or monitoring techniques.

**Response**

Exide does not use landfills to treat or store hazardous waste, therefore this section is not applicable.

**§534. Specific Part II Information Requirements for Miscellaneous Units**

Except as otherwise provided in LAC 33:V.3201, owners and operators of facilities that treat, store, or dispose of hazardous waste in miscellaneous units must provide the following additional information:

- A. a detailed description of the unit being used or proposed for use, including the following:**
- 1. physical characteristics, materials of construction, and dimensions of the unit;**
  - 2. detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of LAC 33:V.3203 and 3205; and**
  - 3. for disposal units, a detailed description of the plans to comply with the post-closure requirements of LAC 33:V.3207;**
- B. detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of LAC 33:V.3203. If the applicant can demonstrate that he does not violate the environmental performance standards of LAC 33:V.3203 and the administrative authority agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice;**
- C. information on the potential pathways of exposure of humans or environmental receptors to hazardous waste or hazardous constituents and on the potential magnitude and nature of such exposures;**
- D. for any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data;**
- E. any additional information determined by the administrative authority to be necessary for evaluation of compliance of the unit with the environmental performance standards of LAC 33:V.3203.**

**Response**

Exide does not operate any miscellaneous units to treat or store hazardous waste, therefore this section is not applicable.

**§535. Specific Part II Information Requirements for Boilers and Industrial Furnaces Burning Hazardous Waste for Energy or Material Recovery and not for Destruction**

**A. Trial Burns**

- 1. General. Except as provided below, owners or operators that are subject to the standards to control organic emissions provided by LAC**

**33:V.3009, standards to control particulate matter provided by LAC 33:V.3011, standards to control metals emissions provided by LAC 33:V.3013, or standards to control hydrogen chloride or chlorine gas emissions provided by LAC 33:V.3015 must conduct a trial burn to demonstrate conformance with those standards and must submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with LAC 33:V.537.**

- a. A trial burn to demonstrate conformance with a particular emission standard may be waived under provisions of LAC 33:V.3009-3015 and LAC 33:V.535.A.2-5.**
- b. The owner or operator may submit data in lieu of a trial burn, as prescribed in LAC 33:V.535.A.6.**

## **2. Waiver of Trial Burn for DRE**

- a. Boilers Operated Under Special Operating Requirements. When seeking to be permitted under LAC 33:V.3009.A.4 and 3021 that automatically waive the DRE trial burn, the owner or operator of a boiler must submit documentation that the boiler operates under the special operating requirements provided by LAC 33:V.3021.**
- b. Boilers and Industrial Furnaces Burning Low Risk Waste. When seeking to be permitted under the provisions for low risk waste provided by LAC 33:V.3009.A.5 and 3019.A that waive the DRE trial burn, the owner or operator must submit:**
  - i. documentation that the device is operated in conformance with the requirements of LAC 33:V.3019.A.1;**
  - ii. results of analyses of each waste to be burned, documenting the concentrations of nonmetal compounds listed in LAC 33:V.4901.G.Table 6, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods;**
  - iii. documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in LAC 33:V.535.A.2.b.ii using procedures provided by LAC 33:V.3019.A.2.b;**
  - iv. results of emissions dispersion modeling for emissions identified in LAC 33:V.535.A.2.b.iii using modeling procedures**

prescribed by LAC 33:V.3013.H. The administrative authority will review the emission modeling conducted by the applicant to determine conformance with these procedures. The administrative authority will either approve the modeling or determine that alternate or supplementary modeling is appropriate; and

- v. documentation that the maximum annual average ground level concentration of each constituent identified in Subsection A.2.b.ii of this Section quantified in conformance with Subsection A.2.b.iv of this Section does not exceed the allowable ambient level established in 40 CFR 266, appendices IV or V, as adopted and amended at LAC 33:V.Chapter 30, Appendices D and E. The acceptable ambient concentration for emitted constituents for which a specific Reference Air Concentration has not been established in 40 CFR 266, Appendix IV, as adopted and amended at LAC 33:V.Chapter 30, Appendix D or Risk-Specific Dose has not been established in 40 CFR 266, Appendix V, as adopted at LAC 33:V.Chapter 30, Appendix E, is 0.1 micrograms per cubic meter, as noted in the footnote to 40 CFR 266, Appendix IV, as adopted and amended at LAC 33:V.Chapter 30, Appendix D.

**3. Waiver of Trial Burn for Metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by LAC 33:V.3013.B and E that control metals emissions without requiring a trial burn, the owner or operator must submit:**

- a. documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feedstocks;
- b. documentation of the concentration of each metal controlled by LAC 33:V.3013.B or E in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of each metal;
- c. documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by LAC 33:V.3013.B or E will not be exceeded during the averaging period provided by that subsection;
- d. documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by LAC 33:V.3013.B.3-5;
- e. documentation of compliance with the provisions of LAC 33:V.3013.B.6, if applicable, for facilities with multiple stacks;

- f. documentation that the facility does not fail the criteria provided by LAC 33:V.3013.B.7 for eligibility to comply with the screening limits; and
  - g. proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feedstocks.
- 4. **Waiver of Trial Burn for Particulate Matter.** When seeking to be permitted under the low risk waste provisions of LAC 33:V.3019.B which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants must submit documentation supporting conformance with LAC 33:V.535.A.2.b and A.3.
- 5. **Waiver of Trial Burn for HCl and Cl<sub>2</sub>.** When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chloride and chlorine provided by LAC 33:V.3015.B.1 and E that control emissions of hydrogen chloride (HCl) and chlorine gas (Cl<sub>2</sub>) without requiring a trial burn, the owner or operator must submit:
  - a. documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feedstocks;
  - b. documentation of the levels of total chloride and chlorine in the hazardous waste, other fuels, and industrial furnace feedstocks, and calculations of the total feed rate of total chloride and chlorine;
  - c. documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by LAC 33:V.3015.B.1 or E will not be exceeded during the averaging period provided by that subsection;
  - d. documentation to support the determination of the terrain-adjusted effective stack height, good engineering practice stack height, terrain type, and land use as provided by LAC 33:V.3015.B.3;
  - e. documentation of compliance with the provisions of LAC 33:V.3015.B.4, if applicable, for facilities with multiple stacks;
  - f. documentation that the facility does not fail the criteria provided by LAC 33:V.3015.B.3 for eligibility to comply with the screening limits; and
  - g. proposed sampling and analysis plan for total chloride and chlorine for the hazardous waste, other fuels, and industrial furnace feedstocks.

**6. Data in lieu of Trial Burn.** The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with LAC 33:V.537 and 3009-3015 by providing the information required by LAC 33:V.537 from previous compliance testing of the device in conformance with LAC 33:V.3007, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by LAC 33:V.535 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The administrative authority shall approve a permit application without a trial burn if he finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under LAC 33:V.3005) operating conditions that will ensure conformance with LAC 33:V.3005.C. In addition, the following information shall be submitted:

**a. for a waiver from any trial burn:**

- i. a description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing, or operational or trial burns are provided to support the contention that a trial burn is not needed;**
- ii. the design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and**
- iii. such supplemental information as the administrative authority finds necessary to achieve the purposes of this Paragraph.**

**b. for a waiver of the DRE trial burn, the basis for selection of POHCs used in the other trial or operational burns which demonstrate compliance with the DRE performance standard in LAC 33:V.3009.A. This analysis should specify the constituents in LAC 33:V.4901.G.Table 6, that the applicant has identified in the hazardous waste for which a permit is sought, and any differences from the POHCs in the hazardous waste for which burn data are provided.**

**B. Alternative HC Limit for Industrial Furnaces with Organic Matter in Raw Materials. Owners or operators of industrial furnaces requesting an alternative HC limit under LAC 33:V.3009.F shall submit the following information at a minimum:**

- 1. documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;**
- 2. documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;**
- 3. test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuel(s) and destruction of hydrocarbon emissions from nonfuel sources;**
- 4. trial burn plan to:**
  - a. demonstrate that flue gas HC (and CO) concentrations when burning hazardous waste do not exceed the baseline HC (and CO) level; and**
  - b. identify the types and concentrations of organic compounds listed in LAC 33:V.4901.G.Table 6, that are emitted when burning hazardous waste in conformance with procedures prescribed by the administrative authority;**
- 5. implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and**
- 6. such other information as the administrative authority finds necessary to achieve the purposes of this Subsection.**

**C. Alternative Metals Implementation Approach. When seeking to be permitted under an alternative metals implementation approach under LAC 33:V.3013.F, the owner or operator must submit documentation specifying how the approach ensures compliance with the metals emissions standards of LAC 33:V.3013.C or D and how the approach can be effectively implemented and monitored. Further, the owner or operator shall provide**

such other information that the administrative authority finds necessary to achieve the purposes of this Subsection.

- D. **Automatic Waste Feed Cutoff System.** Owners or operators shall submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.
- E. **Direct Transfer.** Owners or operators that use direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in LAC 33:V.3023) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by LAC 33:V.3023.
- F. **Residues.** Owners or operators that claim that their residues are excluded from regulation under the provisions of LAC 33:V.3025 must submit information adequate to demonstrate conformance with those provisions.

**Response**

Exide is exempt from EPA Boiler Industrial Furnace Regulations since its furnaces are used to process materials solely for metal recovery rather than incineration of hazardous waste.

**§536. Specific Part II Information Requirements for Equipment**

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that have equipment to which LAC 33:V.Chapter 17, Subchapter B applies must provide the following additional information.

- A. For each piece of equipment to which LAC 33:V.Chapter 17, Subchapter B, applies, the following information must be provided:
  - 1. equipment identification number and hazardous waste management unit identification;
  - 2. approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);
  - 3. type of equipment (e.g., a pump or pipeline valve);
  - 4. percent by weight total organics in the hazardous waste stream at the equipment;
  - 5. hazardous waste state at the equipment (e.g., gas/vapor or liquid); and
  - 6. method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").



- B. Facilities that cannot install a closed-vent system and control device to comply with the provisions of LAC 33:V.Chapter 17, Subchapter B, on the effective date that the facility becomes subject to the provisions of LAC 33:V.Chapter 17, Subchapter B, or Chapter 43, Subchapter R, must provide an implementation schedule as specified in LAC 33:V.1709.A.2.**
- C. Owners or operators who apply for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and choose to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device must provide a performance test plan as specified in LAC 33:V.1713.B.3.**
- D. Documentation that demonstrates compliance with the equipment standards in LAC 33:V.1719-1733 must be provided. This documentation shall contain the records required under LAC 33:V.1743. The administrative authority may request further documentation before deciding if compliance has been demonstrated.**
- E. Documentation to demonstrate compliance with LAC 33:V.1735 shall be provided and include the following information:**
  - 1. a list of all information references and sources used in preparing the documentation;**
  - 2. records, including the dates, of each compliance test required by LAC 33:V.1709.J;**
  - 3. a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," as incorporated by reference at LAC 33:V.110, or other engineering texts acceptable to the administrative authority that present basic control device design information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in LAC 33:V.1713.B.4.c;**
  - 4. a statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur;**

5. a statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

**Response**

Exide does not have equipment to which LAC 33:V.Chapter 17 Subchapter B applies, therefore this section is not applicable.

## **Subchapter F. Special Forms of Permits**

### **§537. Permits for Boiler and Industrial Furnaces Burning Hazardous Waste for Recycling Purposes Only (boilers and industrial furnaces burning hazardous waste for destruction are subject to permit requirements for incinerators)**

- A. **General.** New boilers and industrial furnaces (those not operating under interim status) that will be permitted based on a trial burn under LAC 33:V.3005.D.3 are subject to Subsection B of this Section. Boilers and industrial furnaces operating under the interim status standards of LAC 33:V.3007 are subject to Subsection C of this Section.
- B. **New Boilers and Industrial Furnaces Permitted with a Trial Burn.** A permit for a new boiler or industrial furnace shall specify appropriate conditions for the following operating periods:
  1. **Pre-trial Burn Period.** For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operational readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the administrative authority shall establish pre-trial burn permit conditions, including but not limited to allowable hazardous waste feed rates and operating conditions. The administrative authority may extend this operational period once for up to 720 additional hours at the applicant's request when good cause is shown. The permit may be modified to reflect the extension according to LAC 33:V.323 (minor modifications of permits).
    - a. Applicants must submit a statement with Part II of the permit application that suggests the conditions necessary to operate in compliance with the standards of LAC 33:V.3009-3015 during this period. This statement should include, at a minimum, restrictions on the applicable operating parameters identified in LAC 33:V.3005.E.

- b. The administrative authority will review this statement and any other relevant information submitted with Part II of the permit application and specify requirements for this period sufficient to meet the performance standards of LAC 33:V.3009-3015 based on engineering judgment.**
- 2. Trial Burn Period. For the duration of the trial burn, the administrative authority must establish conditions in the trial burn permit for the purposes of determining feasibility of compliance with the performance standards of LAC 33:V.3009-3015 and of determining adequate operating conditions under LAC 33:V.3005.E.**
  - a. Applicants must propose a trial burn plan, prepared under Subparagraph b of this Paragraph, to be submitted with Part II of the permit application.**
  - b. The trial burn plan must include the following information:**
    - i. An analysis of each feedstream, including hazardous waste, other fuels, and industrial furnace feedstocks as fired, containing the following information is required:**
      - (a). heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride, and ash; and composition of the hazardous waste must be specified;**
      - (b). viscosity or a description of the physical form of the feedstream.**
    - ii. An analysis of each hazardous waste stream as fired is required, including:**
      - (a). an identification of any hazardous organic constituents listed in LAC 33:V.Chapter 31. Table 1, that are present in the feed stream, except that the applicant need not analyze for constituents listed in Table 1 that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and the basis for this exclusion explained. The waste analysis must be conducted in accordance with analytical techniques specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110, or an equivalent method;**

- ## PROVIDENCE ENGINEERING

**of hazardous waste to be burned, and other factors relevant to the administrative authority's decision under LAC 33:V.537.B.2.e must be included.**

- vi. A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that will vary and that may affect the ability of the boiler or industrial furnace to meet the performance standards in LAC 33:V.3009-3015 must be provided.**
- vii. Any emission control equipment that will be used must be described along with the planned operating conditions.**
- viii. Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction must be described.**
- ix. The administrative authority may request additional information that he reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this Paragraph and the criteria in LAC 33:V.537.B.2.e.**
- c. The administrative authority, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information to achieve the purposes of this Paragraph.**
- d. The administrative authority will use the hazardous waste analysis data in the trial burn plan to specify as trial Principal Organic Hazardous Constituents (POHCs) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. The administrative authority will specify these trial POHCs on the basis of his estimate of the difficulty of destroying:**
  - i. the constituents identified in the hazardous waste feed;**
  - ii. their concentrations or mass in the hazardous waste feed; and**
  - iii. for hazardous wastes listed in LAC 33:V.4901, the hazardous waste organic constituent(s) identified in LAC 33:V.4901.G, Table 6.**
- e. The administrative authority shall approve a trial burn plan if he finds that:**

- i. the trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards in LAC 33:V.3009-3015;
  - ii. the trial burn itself will not present an imminent hazard to human health and the environment;
  - iii. the trial burn will help him determine operating requirements to be specified under LAC 33:V.3005.E; and
  - iv. the information sought in LAC 33:V.537.B.2.e.i-iii cannot reasonably be obtained through other means.
- f. The administrative authority may extend and modify the pre-trial burn permit as necessary to accommodate the approved trial burn plan. The permit modification shall proceed as a minor modification according to LAC 33:V.323.
- g. The administrative authority must send a notice to all persons on the facility mailing list, as set forth in LAC 33:V.717.A.5, and to the appropriate units of state and local government, as set forth in LAC 33:V.717.A.2, announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the administrative authority has issued such notice.
  - i. This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the permitting agency.
  - ii. This notice must contain:
    - (a). the name and telephone number of the applicant's contact person;
    - (b). the name and telephone number of the permitting agency's contact office;
    - (c). the location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
    - (d). an expected time period for commencement and completion of the trial burn.

- h. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations and analyses:**
- i. a quantitative analysis of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feedstreams (hazardous waste, other fuels, and industrial furnace feedstocks) to the boiler or industrial furnace is required;**
  - ii. a quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs is required;**
  - iii. if dioxin and furan testing is required under LAC 33:V.3009.E, a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-octa congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard are required;**
  - iv. a quantitative analysis of the stack gas for the concentration and mass emission of particulate matter, metal(s) or hydrogen chloride (HCl) and chlorine gas (Cl<sub>2</sub>) and a computation showing conformance with the metals or HCl emission performance standard in LAC 33:V.3011 and 3015 are required;**
  - v. a quantitative analysis of the scrubber water (if any), ash residues, and other residues is required for the purpose of estimating the fate of the trial POHCs, the fate of any metal, and the fate of chlorine/chloride subject to emissions testing under LAC 33:V.537.B.2.g.iii.(b);**
  - vi. destruction and removal efficiency (DRE) must be computed in accordance with the DRE formula specified in LAC 33:V.3009.A;**
  - vii. sources of fugitive emissions and their means of control must be identified;**
  - viii. carbon monoxide, total hydrocarbons, and oxygen in the stack gas must be continuously measured. The administrative authority may approve an alternative scheme for monitoring total hydrocarbons;**
  - ix. a quantitative analysis of the exhaust gas for the concentration and mass emission of particulate matter, and a computation**

**showing conformance with the particulate matter standard in LAC 33:V.3011 is required; and**

- x. any other information will be required that the administrative authority specifies as necessary to ensure that the trial burn will reveal whether the facility complies with the performance standards required by LAC 33:V.3009-3015.**
  - i. The applicant must submit to the administrative authority a certification that the trial burn has been conducted in accordance with the approved trial burn plan and must submit the results of all the analyses and determinations required in Subsection B.2.h of this Section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the administrative authority.**
  - j. All data collected during any trial burn must be submitted to the administrative authority after completion of the trial burn.**
  - k. All submissions required by this Paragraph must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under LAC 33:V.507 and 509.**
  - l. Based on the results of the trial burn, the administrative authority shall specify the operating requirements in the final permit according to LAC 33:V.3005.E. The permit modification shall proceed as a minor modification according to LAC 33:V.323.**
- 3. Post-trial Burn Period. For a minimum period immediately after the trial burn sufficient for the applicant to analyze samples, compute data, and submit the trial burn results, and for the administrative authority to review the trial burn results and modify the facility permit to reflect those results, the administrative authority will specify the operating requirements most likely to ensure compliance with the performance standards of LAC 33:V.3009-3015 based on engineering judgment. The administrative authority shall extend and modify the trial burn permit to develop the post-trial burn permit. The permit modification shall proceed as a minor modification according to LAC 33:V.323.**
- a. Applicants must submit a statement with Part II of this permit application that identifies the conditions necessary for operation in compliance with the performance standards of LAC 33:V.3009-3015 during this period. This statement should include, at a minimum, restrictions on the operating parameters identified in LAC 33:V.3005.E.**





of the permit application. If completion of this process conflicts with the date set for submission of part II, the applicant must contact the administrative authority to establish a later date for submission of part II or the trial burn results. If the applicant submits a trial burn plan with part II of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the administrative authority.

**Response**

Exide does not operate boilers or industrial furnaces that burn hazardous waste, therefore this section does not apply.

**§540. Remedial Action Plans (RAPs)**

Remedial action plans (RAPs) are special forms of permits that are regulated under LAC 33:V.Chapter 5.Subchapter G.

**Subchapter G. Remedial Action Plans (RAPs) - General Information**

**§545. Why is this Subchapter Written in a Special Format?**

This Subchapter is written in a special format to make it easier to understand the regulatory requirements. Like other department regulations, this establishes enforceable legal requirements. For this Subchapter, I and you refer to the owner/operator.

**§550. What is a RAP?**

- A. A RAP is a special form of a RCRA permit that you, as an owner or operator, may obtain, instead of a permit issued under LAC 33:V.303 - 329 and 501 - 537, to authorize you to treat, store, or dispose of hazardous remediation waste (as defined in LAC 33:V.109) at a remediation waste management site. A RAP may only be issued for the area of contamination where the remediation wastes to be managed under the RAP originated, or areas in close proximity to the contaminated area, except as allowed in limited circumstances under LAC 33:V.699.
- B. The requirements in LAC 33:V.303 - 329 and 501 - 537 do not apply to RAPs unless those requirements for traditional RCRA permits are specifically required under this Subchapter. The definitions in LAC 33:V.109 apply to RAPs.
- C. Notwithstanding any other provision of LAC 33:V.Subpart 1, any document that meets the requirements in this Section constitutes a RCRA permit under RCRA section 3005(c).

**D. A RAP may be:**

- 1. a stand-alone document that includes only the information and conditions required by this Subchapter; or**
  - 2. part (or parts) of another document that includes information and/or conditions for other activities at the remediation waste management site, in addition to the information and conditions required by this Subchapter.**
- E. If you are treating, storing, or disposing of hazardous remediation wastes as part of a cleanup compelled by federal or state cleanup authorities, your RAP does not affect your obligations under those authorities in any way.**
- F. If you receive a RAP at a facility operating under interim status, the RAP does not terminate your interim status.**

**§555. When Do I Need a RAP?**

- A. Whenever you treat, store, or dispose of hazardous remediation wastes in a manner that requires a RCRA permit under LAC 33:V.Chapter 3, you must either obtain:**
- 1. a RCRA permit according to LAC 33:V.303 - 329 and 501 - 537; or**
  - 2. a RAP according to this Subchapter.**
- B. Treatment units that use combustion of hazardous remediation wastes at a remediation waste management site are not eligible for RAPs under this Subchapter.**
- C. You may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. You must have these RAPs approved as a modification to your existing permit according to the requirements of LAC 33:V.321 - 323 instead of the requirements in this Subchapter. When you submit an application for such a modification, however, the information requirements in LAC 33:V.321.C.1.a.i, 2.a.iv, and 3.a.iv do not apply; instead, you must submit the information required under LAC 33:V.580. When your permit is modified the RAP becomes part of the RCRA permit. Therefore, when your permit (including the RAP portion) is modified, revoked and reissued, terminated, or when it expires, it will be modified according to the applicable requirements in LAC 33:V.321 - 323, revoked and reissued according to the applicable requirements in LAC 33:V.323, terminated according to the applicable requirements in LAC 33:V.323, and expire according to the applicable requirements in LAC 33:V.315.**

**§560. Does My RAP Grant Me Any Rights or Relieve Me of Any Obligations?**

The provisions of LAC 33:V.307 apply to RAPs. (Note: The provisions of LAC 33:V.307.A provide you assurance that, as long as you comply with your RAP, the department will consider you in compliance with Subtitle C of RCRA and will not take enforcement actions against you. However, you should be aware of four exceptions to this provision that are listed in LAC 33:V.307.)

**§565. How Do I Apply for a RAP?**

To apply for a RAP, you must complete an application, sign it, and submit it to the administrative authority according to the requirements in this Subchapter.

**§570. Who Must Obtain a RAP?**

When a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator's duty to obtain a RAP, except that the owner must also sign the RAP application.

**§575. Who Must Sign the Application and Any Required Reports for a RAP?**

Both the owner and the operator must sign the RAP application and any required reports according to LAC 33:V.507, 509, and 511. In the application, both the owner and the operator must also make the certification required in LAC 33:V.513.A. However, the owner may choose the alternative certification under LAC 33:V.513.B if the operator certifies under LAC 33:V.513.A.

**§580. What Must I Include in My Application for a RAP?**

**A.** You must include the following information in your application for a RAP:

1. the name, address, and EPA identification number of the remediation waste management site;
2. the name, address, and telephone number of the owner and operator;
3. the latitude and longitude of the site;
4. the United States Geological Survey (USGS) or county map showing the location of the remediation waste management site;
5. a scaled drawing of the remediation waste management site showing:
  - a. the remediation waste management site boundaries;

- b. any significant physical structures; and
  - c. the boundary of all areas on-site where remediation waste is to be treated, stored, or disposed;
- 6. a specification of the hazardous remediation waste to be treated, stored, or disposed of at the facility or remediation waste management site. This must include information on:
  - a. constituent concentrations and other properties of the hazardous remediation wastes that may affect how such materials should be treated and/or otherwise managed;
  - b. an estimate of the quantity of these wastes; and
  - c. a description of the processes you will use to treat, store, or dispose of this waste including technologies, handling systems, design, and operating parameters you will use to treat hazardous remediation wastes before disposing of them according to the LDR standards of LAC 33:V.Chapter 22, as applicable;
- 7. enough information to demonstrate that operations that follow the provisions in your RAP application will ensure compliance with applicable requirements of LAC 33:V.Chapters 15 - 37, 41, and 43;
- 8. such information as may be necessary to enable the administrative authority to carry out his duties under other state laws as is required for traditional RCRA permits under LAC 33:V.517.U; and
- 9. any other information the administrative authority decides is necessary for demonstrating compliance with this Subsection or for determining any additional RAP conditions that are necessary to protect human health and the environment.

#### **§585. What If I Want to Keep This Information Confidential?**

Provisions for confidential information may be found in LAC 33:I.Chapter 5.

#### **§590. To Whom Must I Submit My RAP Application?**

You must submit your application for a RAP to the administrative authority for approval.

#### **§595. If I Submit My RAP Application as Part of Another Document, What Must I do?**

**If you submit your application for a RAP as a part of another document, you must clearly identify the components of that document that constitute your RAP application.**

**§600. What Is the Process for Approving or Denying My Application for a RAP?**

- A. If the administrative authority tentatively finds that your RAP application includes all of the information required by LAC 33:V.580 and that your proposed remediation waste management activities meet the regulatory standards, the administrative authority may make a tentative decision to approve your RAP application. The administrative authority will then prepare a draft RAP and provide an opportunity for public comment before making a final decision on your RAP application, according to this Subchapter.**
- B. If the administrative authority tentatively finds that your RAP application does not include all of the information required by LAC 33:V.580 or that your proposed remediation waste management activities do not meet the regulatory standards, the administrative authority may request additional information from you or ask you to correct deficiencies in your application. If you fail or refuse to provide any additional information the administrative authority requests, or to correct any deficiencies in your RAP application, the administrative authority may make a tentative decision to deny your RAP application. After making this tentative decision, the administrative authority will prepare a notice of intent to deny your RAP application (notice of intent to deny) and provide an opportunity for public comment before making a final decision on your RAP application, according to the requirements in this Subchapter. The administrative authority may deny the RAP application either in its entirety or in part.**

**§605. What Must the Administrative Authority Include in a Draft RAP?**

- A. If the administrative authority prepares a draft RAP, it must include:**
  - 1. the information required under LAC 33:V.580.A.1 – 9;**
  - 2. the following terms and conditions:**
    - a. terms and conditions necessary to ensure that the operating requirements specified in your RAP comply with applicable requirements of LAC 33:V.Chapters 15 - 37, 41, and 43 (including any recordkeeping and reporting requirements). In satisfying this provision, the administrative authority may incorporate, expressly or by reference, applicable requirements of LAC 33:V.Chapters 15 - 37, 41, and 43 into the RAP or establish site-specific conditions as required or allowed by LAC 33:V.Chapters 15 - 37, 41, and 43;**

- b. terms and conditions in LAC 33.V.309;
  - c. terms and conditions for modifying, revoking and reissuing, and terminating your RAP, as provided in LAC 33.V.640; and
  - d. any additional terms or conditions that the administrative authority determines are necessary to protect human health and the environment, including any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP; and
- 3. if the draft RAP is part of another document, as described in LAC 33.V.550, the administrative authority must clearly identify the components of that document that constitute the draft RAP.

**§610. What Else Must the Administrative Authority Prepare in Addition to the Draft RAP or Notice of Intent to Deny?**

- A. Once the administrative authority has prepared the draft RAP or notice of intent to deny, he must then:
  - 1. prepare a statement of basis that briefly describes the derivation of the conditions of the draft RAP and the reasons for them, or the rationale for the notice of intent to deny;
  - 2. compile an administrative record, including:
    - a. the RAP application and any supporting data furnished by the applicant;
    - b. the draft RAP or notice of intent to deny;
    - c. the statement of basis and all documents cited therein (material readily available at the department or published material that is generally available need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis); and
    - d. any other documents that support the decision to approve or deny the RAP; and
  - 3. make information contained in the administrative record available for review by the public upon request.

**§615. What Are the Procedures for Public Comment on the Draft RAP or Notice of Intent to Deny?**

**A. The administrative authority must:**

- 1. send notice to you of his intention to approve or deny your RAP application, and send you a copy of the statement of basis;**
- 2. publish a notice of his intention to approve or deny your RAP application in a major local newspaper of general circulation;**
- 3. broadcast his intention to approve or deny your RAP application over a local radio station; and**
- 4. send a notice of his intention to approve or deny your RAP application to each unit of local government having jurisdiction over the area in which your site is located and to each state agency having any authority under state law with respect to any construction or operations at the site.**

**B. The notice required by Subsection A of this Section must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days.**

**C. The notice required by Subsection A of this Section must include:**

- 1. the name and address of the office processing the RAP application;**
- 2. the name and address of the RAP applicant, and if different, the remediation waste management site or activity the RAP will regulate;**
- 3. a brief description of the activity the RAP will regulate;**
- 4. the name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft RAP or notice of intent to deny, statement of basis, and the RAP application;**
- 5. a brief description of the comment procedures in this Section, and any other procedures by which the public may participate in the RAP decision;**
- 6. if a hearing is scheduled, the date, time, location, and purpose of the hearing;**



7. if a hearing is not scheduled, a statement of procedures to request a hearing;
  8. the location of the administrative record, and times when it will be open for public inspection; and
  9. any additional information the administrative authority considers necessary or proper.
- D. If, within the comment period, the administrative authority receives written notice of opposition to his intention to approve or deny your RAP application and a request for a hearing, the administrative authority must hold an informal public hearing to discuss issues relating to the approval or denial of your RAP application. The administrative authority may also determine on his own initiative that an informal hearing is appropriate. The hearing must include an opportunity for any person to present written or oral comments. Whenever possible, the administrative authority must schedule this hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the requirements in Subsection A of this Section. This notice must, at a minimum, include the information required by Subsection C of this Section and:
1. reference to the date of any previous public notices relating to the RAP application;
  2. the date, time, and location of the hearing; and
  3. a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

**§620. How Will the Administrative Authority Make a Final Decision on my RAP Application?**

- A. The administrative authority must consider and respond to any significant comments raised during the public comment period, or during any hearing on the draft RAP or notice of intent to deny, and revise your draft RAP based on those comments, as appropriate.
- B. If the administrative authority determines that your RAP includes the information and terms and conditions required in LAC 33:V.605, then he may issue a final decision approving your RAP and, in writing, notify you and all commenters on your draft RAP that your RAP application has been approved.

- C. If the administrative authority determines that your RAP does not include the information required in LAC 33:V.605, then he will issue a final decision denying your RAP and, in writing, notify you and all commenters on your draft RAP that your RAP application has been denied.**
- D. If the administrative authority's final decision is that the tentative decision to deny the RAP application was incorrect, he will withdraw the notice of intent to deny and proceed to prepare a draft RAP, according to the requirements in this Subchapter.**
- E. When the administrative authority issues his final RAP decision, he must refer to the procedures for appealing the decision under R.S. 30:2024.**
- F. Before issuing the final RAP decision, the administrative authority must compile an administrative record. Material readily available at the department or published materials which are generally available and which are included in the administrative record need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see LAC 33:V.610.B) and:**
  - 1. all comments received during the public comment period;**
  - 2. tapes or transcripts of any hearings;**
  - 3. any written materials submitted at these hearings;**
  - 4. the responses to comments;**
  - 5. any new material placed in the record since the draft RAP was issued;**
  - 6. any other documents supporting the RAP; and**
  - 7. a copy of the final RAP.**
- G. The administrative authority must make information contained in the administrative record available for review by the public upon request.**

**§640. After My RAP is Issued, How May it be Modified, Revoked and Reissued, or Terminated?**

**In your RAP, the administrative authority must specify, either directly or by reference, procedures for future modifications, revocations and reissuance, or terminations of your RAP. These procedures must provide adequate**

opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change your management of your remediation waste, or that otherwise merits public review and comment. If your RAP has been incorporated into a traditional RCRA permit, as allowed under LAC 33:V.555.C, then the RAP will be modified according to the applicable requirements in LAC 33:V.321 - 323.B.2, revoked and reissued according to the applicable requirements in LAC 33:V.321 and 323.B.3, or terminated according to the applicable requirements of LAC 33:V.323.B.3.

**§645. For What Reasons May the Administrative Authority Choose to Modify My Final RAP?**

**A. The administrative authority may modify your final RAP on his own initiative only if one or more of the following reasons listed in this Section exist(s). If one or more of these reasons do not exist, then the administrative authority will not modify your final RAP, except at your request. Reasons for modification are:**

- 1. you made material and substantial alterations or additions to the activity that justify applying different conditions;**
- 2 the administrative authority finds new information that was not available at the time of RAP issuance and would have justified applying different RAP conditions at the time of issuance;**
- 3. the standards or regulations on which the RAP was based have changed because of new or amended statutes, standards, or regulations, or by judicial decision after the RAP was issued;**
- 4. if your RAP includes any schedules of compliance, the administrative authority may find reasons to modify your compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which you as the owner/operator have little or no control and for which there is no reasonably available remedy;**
- 5. you are not in compliance with conditions of your RAP;**
- 6. you failed in the application or during the RAP issuance process to disclose fully all relevant facts, or you misrepresented any relevant facts at the time;**
- 7. the administrative authority has determined that the activity authorized by your RAP endangers human health or the environment and can only be remedied by modifying; or**

8. you have notified the administrative authority (as required in the RAP under LAC 33:V.321.B) of a proposed transfer of a RAP.
- B. Notwithstanding any other provision in this Section, when the administrative authority reviews a RAP for a land disposal facility under LAC 33:V.665, he may modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in LAC 33:V.Subpart 1.
- C. The administrative authority will not reevaluate the suitability of the facility location at the time of RAP modification unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

**§650. For What Reasons May the Administrative Authority Choose to Revoke and Reissue My Final RAP?**

- A. The administrative authority may revoke and reissue your final RAP on his own initiative only if one or more reasons for revocation and reissuance exist(s). If one or more reasons do not exist, then the administrative authority will not modify or revoke and reissue your final RAP, except at your request. Reasons for modification or revocation and reissuance are the same as the reasons listed for RAP modifications in LAC 33:V.645.A.5 - 8 if the administrative authority determines that revocation and reissuance of your RAP is appropriate.
- B. The administrative authority will not reevaluate the suitability of the facility location at the time of RAP revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

**§655. For What Reasons May the Administrative Authority Choose to Terminate My Final RAP, or Deny My Renewal Application?**

The administrative authority may terminate your final RAP on his own initiative, or deny your renewal application, for the same reasons as those listed for RAP modifications in LAC 33:V.645.A.5 - 7 if the administrative authority determines that termination of your RAP or denial of your RAP renewal application is appropriate.

**§665. When Will My RAP Expire?**

RAPs must be issued for a fixed term, not to exceed 10 years, although they may be renewed upon approval by the administrative authority in fixed increments of no more than ten years. In addition, the administrative authority must review any RAP for hazardous waste land disposal five years after the date of issuance or reissuance, and you or the administrative authority must follow

the requirements for modifying your RAP as necessary to assure that you continue to comply with currently applicable requirements in RCRA sections 3004 and 3005.

**§670. How May I Renew My RAP if It is Expiring?**

If you wish to renew your expiring RAP, you must follow the process for application for and issuance of RAPs in this Subchapter.

**§675. What Happens if I Have Applied Correctly for a RAP Renewal But Have Not Received Approval By the Time My Old RAP Expires?**

If you have submitted a timely and complete application for a RAP renewal, but the administrative authority, through no fault of yours, has not issued a new RAP with an effective date on or before the expiration date of your previous RAP, your previous RAP conditions continue in force until the effective date of your new RAP or RAP denial.

**§680. What Records Must I Maintain Concerning My RAP?**

**A. You are required to keep records of:**

- 1. all data used to complete RAP applications and any supplemental information that you submit for a period of at least three years from the date the application is signed; and**
- 2. any operating and/or other records the administrative authority requires you to maintain as a condition of your RAP.**

**§685. How Are Time Periods In the Requirements in This Subchapter and My RAP Computed?**

- A. Any time period scheduled to begin on the occurrence of an act or event must begin on the day after the act or event. (For example, if your RAP specifies that you must close a staging pile within 180 days after the operating term for that staging pile expires, and the operating term expires on June 1, then June 2 counts as day one of your 180 days, and you would have to complete closure by November 28.)**
- B. Any time period scheduled to begin before the occurrence of an act or event must be computed so that the period ends on the day before the act or event. (For example, if you are transferring ownership or operational control of your site, and wish to transfer your RAP, the new owner or operator must submit a revised RAP application no later than 90 days before the scheduled change. Therefore, if you plan to change ownership on January 1, the new**

**owner/operator must submit the revised RAP application no later than October 3, so that the 90th day would be December 31.)**

- C. If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day. (For example, if you wish to request an administrative hearing on the administrative authority's decision to modify your RAP, then you must file your request with the secretary within 30 days after notice of the decision is served upon you. If the thirtieth day falls on Sunday, then you may submit your appeal by the Monday after. If the thirtieth day falls on July 4, then you may submit your appeal by July 5.)**

**§690. How May I Transfer My RAP to a New Owner or Operator?**

- A. If you wish to transfer your RAP to a new owner or operator, you must follow the requirements specified in your RAP for RAP modification to identify the new owner or operator, and incorporate any other necessary requirements. These modifications do not constitute significant modifications for purposes of LAC 33:V.640. The new owner/operator must submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between you and the new permittees.**
- B. When a transfer of ownership or operational control occurs, you as the old owner or operator must comply with the applicable requirements in LAC 33:V.Chapter 37 (financial requirements), until the new owner or operator has demonstrated that he is complying with the requirements in that chapter. The new owner or operator must demonstrate compliance with LAC 33:V.Chapter 37 within six months of the date of the change in ownership or operational control of the facility or remediation waste management site. When the new owner/operator demonstrates compliance with LAC 33:V.Chapter 37 to the administrative authority, the administrative authority will notify you that you no longer need to comply with LAC 33:V.Chapter 37, as of the date of demonstration.**

**§695. What Must the State or EPA Region Report About Noncompliance with RAPs?**

**The department or EPA region must report noncompliance with RAPs according to the provisions of 40 CFR 270.5.**

**§699. May I Perform Remediation Waste Management Activities Under a RAP at a Location Removed from the Area Where the Remediation Wastes Originated?**

- A. You may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if**

**you believe such a location would be more protective than the contaminated area or areas in close proximity.**

- B. If the administrative authority determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the administrative authority may approve a RAP for this alternative location.**
- C. You must request the RAP, and the administrative authority will approve or deny the RAP, according to the procedures and requirements in this Subchapter.**
- D. A RAP for an alternative location must also meet the following requirements, which the administrative authority must include in the RAP for such locations:**
  - 1. the RAP for the alternative location must be issued to the person responsible for the cleanup from which the remediation wastes originated;**
  - 2. the RAP is subject to the expanded public participation requirements in LAC 33:V.708;**
  - 3. the RAP is subject to the public notice requirements in LAC 33:V.717; and**
  - 4. the site permitted in the RAP may not be located within 61 meters or 200 feet of a fault which has had displacement in the Holocene time (you must demonstrate compliance with this standard through the requirements in LAC 33:V.517.T). (See definitions of terms in LAC 33:V.109);**
- E. These alternative locations are remediation waste management sites and retain the following benefits of remediation waste management sites:**
  - 1. exclusion from facility-wide corrective action under LAC 33:V.3322; and**
  - 2. application of LAC 33:V.1501.H in lieu of LAC 33:V.Chapter 15.**

**Response**

**The requirements of these sections do not apply to Exide's Baton Rouge Smelter.**

## **CHAPTER 7**

### **ADMINISTRATIVE PROCEDURES FOR TREATMENT, STORAGE, AND DISPOSAL FACILITY PERMITS**

Exide acknowledges and will abide by the requirements provided in this chapter regarding the administrative procedures for this modification.



## **CHAPTER 9**

### **MANIFESTS SYSTEM FOR TSD FACILITIES**

Exide acknowledges and will abide by the requirements provided in this chapter regarding the containment building.

# **CHAPTER 11**

## **GENERATORS**

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality – Hazardous Waste**

**Chapter 11. Generators**  
**Subchapter A. General**

**§1101. Applicability**

- A. A generator who treats, stores, or disposes of hazardous waste on-site is not required to comply with the requirements of this Chapter except for the following with respect to that waste: LAC 33:V.1101.C, 1103, 1105, 1109.E, 1111.A.3 and 4, 1111.D, 1115, 1117, 1119 and 1121.**
- B. Any person who exports or imports hazardous waste subject to the manifesting requirements of this Chapter, or subject to the universal waste management standards of LAC 33:V.Chapter 38, to or from the countries listed in LAC 33:V.1113.I.1.a for recovery must comply with Subchapter B of this Chapter.**
- C. Any person who imports hazardous waste from a foreign country into the state of Louisiana must comply with the standards applicable to generators established in this Chapter.**
- D. A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this Chapter or other standards in the LAC 33:V.Chapters 3, 5, 7, 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43 for those wastes, provided he triple rinses each emptied pesticide container in accordance with the provisions of LAC 33:V.109.Empty Container.3 and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label.**
- E. A person who generates a hazardous waste as defined in LAC 33:V.109 and further specified in LAC 33:V.Chapter 49 is subject to the requirements of this Chapter and penalties prescribed in the Act for noncompliance.**
- F. An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this Chapter. The provisions of LAC 33:V.1109.E are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of LAC**

**33:V.1109.E only apply to owners or operators who are shipping hazardous waste which they generated at that facility. A generator who treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in LAC 33:V.Subpart 1.**

- G. A person who generates a hazardous waste as defined in LAC 33:V.109 and further specified in LAC 33:V.Chapter 49 is subject to the requirements of these chapters and shall register with the department in accordance with the applicable provisions of LAC 33:V.303.**
- H. Persons responding to an explosives or munitions emergency in accordance with LAC 33:V.1501.C.7.a.iv or d or 4307 and 305.C.12 or 13 are not required to comply with the standards of this Chapter.**

**Response**

**Exide acknowledges the above citations and makes no change to the response submitted in the original application.**

**§1103. Hazardous Waste Determination**

**A person who generates a solid waste, as defined in LAC 33:V.109, must determine if that waste is a hazard.**

- A. First, the generator must determine if the waste is exempted from regulation under LAC 33:V.105.D.**
- B. For the purposes of compliance with LAC 33:V.Chapter 22, or if the waste is not listed as a hazardous waste in LAC 33:V.4901, the generator must determine whether the waste is identified in LAC 33:V.4903 by either:**
  - 1. Testing the waste according to the methods set forth in the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110, or according to an equivalent method approved by the administrative authority; or**
  - 2. Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.**

- C. If the waste is determined to be hazardous, the generator must refer to other parts of LAC 33:V.Subpart 1 for possible exclusions or prohibitions pertaining to management of his or her specific wastes.**

**Response**

Exide proposes no change to the response submitted in the original application.

**§1105. EPA Identification Numbers**

**A generator must not treat, store, dispose of, transport or offer for transportation hazardous waste without having received an active EPA identification number.**

- A. A generator who has not received an active EPA identification number must obtain one by applying to the administrative authority using the form provided within 14 days after first generating any hazardous waste.**

**Response**

Exide proposes no change to the response submitted in the original application.

- B. A generator must notify the administrative authority within seven days if any of the information submitted in the application for the identification number changes. Because EPA identification numbers are site-specific, if a facility moves to another location, the owner/operator must obtain a new EPA identification number for the facility.**

**Response**

Exide proposes no change to the response submitted in the original application.

- C. A generator must not offer his or her hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an active EPA identification number and the required permits (or interim status) necessary to receive and manage the generator's waste.**

**Response**

Exide proposes no change to the response submitted in the original application.

## **§1107. The Manifest System**

### **A. General Requirements**

- 1. A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a manifest before transporting the waste off-site, with the exclusions of generators exempt pursuant to provisions of LAC 33:V.105.D.**
- 2. A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.**
- 3. If the transporter is unable to deliver the hazardous waste to the designated facility, the generator must either designate another facility or instruct the transporter to return the waste.**
- 4. Reserved**
- 5. In naming a hazardous waste, a generator shall use the proper shipping name prescribed by the Louisiana Department of Public Safety and Corrections or its successor agency and provide specific identification pursuant to LAC 33:V.Chapter 49.**
- 6. If the hazardous waste is to be transported out-of-state, the generator will be responsible for receiving the completed, signed manifest from the out-of-state hazardous waste facility.**
- 7. Generators must get written confirmation of acceptability of the hazardous waste from the operator of the hazardous waste facility before shipping the hazardous waste. The confirmation must be maintained as part of the facility manifest records (See LAC 33:V.1111).**
- 8. Except as otherwise provided in LAC 33:V.919 and 1309.F, generators are required to report to the department any irregularities between the wastes actually received and the waste described on the manifest, or any other irregularities, within 15 days.**
- 9. The manifest form and the continuation sheet used must be obtained from the department.**
- 10. If additional space is needed on the manifest form, another manifest form or a continuation sheet may be used.**
- 11. The requirements of this Chapter and LAC 33:V.33.1109.C do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding LAC 33:V.1301.A, the generator or transporter must comply with the requirements for transporters set forth in**

**LAC 33:V.1315 and 1317 in the event of a discharge of hazardous waste on a public or private right-of-way.**

**Response**

Exide proposes no change to the response submitted in the original application.

**B. Required Information**

- 1. The manifest must contain all of the following information prior to leaving the generator site:**
  - a. a state manifest document which shall be obtained from this department if the destination point is in Louisiana;**
  - b. the generator's name, mailing address, telephone number, and active EPA identification number;**
  - c. the name, active EPA identification number and telephone number of each transporter;**
  - d. the name, address, telephone number and active EPA identification number of the designated facility;**
  - e. the description of the waste(s) (e.g., proper shipping name, EPA hazardous waste number, etc.) required by Hazardous Materials regulations of the Louisiana Department of Public Safety and Corrections in LAC 33:V.Subpart 2.Chapter 101, and the department's designated handling codes for waste listed; and**
  - f. the total quantity of each hazardous waste by units of weight in tons, cubic yards, pounds, or gallons (liquids only), and the type and number of containers (metal drums, barrels, kegs, fiberboard or plastic drums, cargo tanks, tank trucks, dump trucks, metal boxes, cartons, cases, burlap bags, paper bags, plastic bags, wooden drums, tanks portable, tank cars, cylinders, wooden boxes, and fiber or plastic boxes) as loaded into or onto the transport vehicle. If the weight is unknown, the volume and estimated weight should be provided.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 2. The certification that appears on the manifest must be read, signed, and dated by the generator as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper**

condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me that minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."

**Response**

Exide proposes no change to the response submitted in the original application.

- C. Number of Copies.** The manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and remaining copies to be returned to the generator and other appropriate parties.

**Response**

Exide proposes no change to the response submitted in the original application.

**D. Use of the Manifest**

- 1. The generator must:**
  - a. sign and date the manifest certification by hand when the initial transporter accepts the shipment;**
  - b. obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and**
  - c. retain one copy, in accordance with LAC 33:V.1111.A.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 2. The generator must give the transporter the remaining copies of the manifest.**



**Response**

Exide proposes no change to the response submitted in the original application.

3. **For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this Section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.**

**Response**

Exide proposes no change to the response submitted in the original application.

4. **For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must complete the transporter section of the manifest less signature, retain one copy of the completed manifest, and send at least three copies of the manifest dated and signed in accordance with this Section to:**
  - a. **the next non-rail transporter, if any; or**
  - b. **the designated facility if transported solely by rail; or**
  - c. **the last rail transporter to handle the waste in the United States if exported by rail. [Note: See LAC 33:V.1307.E and 1307.F for special provisions for rail or water (bulk shipment) transporters.]**

**Response**

Exide proposes no change to the response submitted in the original application.

5. **Reserved**
6. **For shipments of hazardous waste to a designated facility in an authorized state that has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.**

## **§1108. Manifest System Emergency Response Information**

- A. Generators must provide a Chem-Card or similar emergency card, or a statement concerning the hazardous nature of the material and general guidelines for an emergency situation involving this hazardous waste to accompany the manifest on shipments and loads.**

### **Response**

A statement concerning the hazardous nature of the waste and guidelines for an emergency situation is included with the manifest.

- B. The generator will supply the railroad company with the necessary emergency response information and the manifest document number, which are to be included on the waybill.**

### **Response**

Not applicable; Exide does not ship hazardous waste by rail.

## **§1109. Pre-Transport Requirements**

- A. Packaging. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable Department of Public Safety regulations and packaging under LAC 33:V.Subpart 2.Chapter 101.**

- 1. Hazardous waste, liquid, or solid not otherwise specified must meet the requirement of Subchapter C of 49 CFR, and/or the Louisiana Hazardous Material Regulations Subchapter C. Special attention must be directed towards LAC 33:V.Subpart 2.Chapter 101.**

### **Response**

Exide proposes no change to the response submitted in the original application.

- 2. Dump type transport vehicles in addition to LAC 33:V.1109.A.1 must have a continuous plastic lining with a minimum thickness of 6 mil, be bindered or bolted in order to prevent accidental leakage or escape of the material (Trip binders are not acceptable), must be completely covered by a tarpaulin that is secured to insure no leakage during normal transportation, and the material transported must be solidified with a medium to such consistency that insures the material will not shift, creep, crawl or**

**splash during emergency braking from 20 mph, or accomplish these requirements by other means acceptable to the administrative authority.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 3. Portable tank or "sludge" containers in addition to LAC 33:V.1109.A.1 must have fill, discharge, and similar openings of the container bindered or bolted to prevent discharge during transport, be secured to the transport vehicle to insure that the container will not shift laterally or longitudinally during transportation, or accomplish these requirements by other means acceptable to the administrative authority.**

**Response**

Exide proposes no change to the response submitted in the original application.

- B. Labeling. Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable transportation regulations on hazardous materials of the Louisiana Department of Public Safety and Corrections or its successor agency under LAC 33:V.Subpart 2.Chapter 101.**

**Response**

Exide proposes no change to the response submitted in the original application.

- C. Marking. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with the Department of Public Safety regulations (see Department of Public Safety regulation LAC 33:V.Subpart 2.Chapter 101.**

**Hazardous waste: Federal and state law prohibits improper disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.**

**Generator's Name and Address \_\_\_\_\_**

**Manifest Document Number \_\_\_\_\_**

### **Response**

Exide proposes no change to the response submitted in the original application.

- D. Placarding.** Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Public Safety regulations for hazardous materials under LAC 33:V.Subpart 2.Chapter 101.

### **Response**

Exide proposes no change to the response submitted in the original application.

### **E. Accumulation Time**

- 1. Except as provided in LAC 33:V.1109.E.7, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:**
  - a. The waste is placed:**
    - i. In containers and the generator complies with the applicable requirements of LAC 33:V.Chapter 43.Subchapters H, Q, R, and V; and/or**
    - ii. In tanks and the generator complies with the applicable requirements of LAC 33:V.Chapter 43.Subchapters I, Q, R, and V, except LAC 33:V.4442 and 4445; and/or**
    - iii. On drip pads and the generator complies with LAC 33:V.Chapter 43.Subchapter S and maintains the following records at the facility:**
      - (a). A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and**
      - (b). Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or**
  - iv. In containment buildings and the generator complies with LAC 33:V.Chapter 43.Subchapter T by having placed his Louisiana professional engineer certification that the**

building complies with the design standards specified in LAC 33:V.4703 in the facility's operating record no later than 60 days after the date of initial operation of the unit. After February 18, 1993, Louisiana PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

- (a). A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90-day limit, and documentation that the procedures are complied with; or
    - (b). Documentation that the unit is emptied at least once every 90 days;
  - b. Such a generator is exempt from all requirements in LAC 33:V.Chapter 43. Subchapters F and G, except for LAC 33:V.4379 and 4385;
  - c. The date upon which each period of accumulation begins is clearly marked on each container and visible for inspection on each container;
  - d. while being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and
  - e. the generator complies with the requirements for owners or operators in LAC 33:V.2245.D, 4319 and in Chapter 43.Subchapters B and C.
- 2. A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the permitting requirements as specified in LAC 33:V.Subpart 1 unless he has been granted an extension to the 90-day period. Such an extension may be granted by the administrative authority if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, or uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the administrative authority on a case-by-case basis.
  - 3. Generators who accumulate hazardous waste for less than 90 days are subject to the requirements of LAC 33:V.1115, 1117, 1119, and 2245 of these regulations.

### **Response**

Exide does not store hazardous waste for disposal for greater than 90 days.

4. **A generator may accumulate as much as 55 gallons of hazardous waste listed in LAC 33:V.4901.B, C, D, F, or LAC 33:V.4903, or one quart of acutely hazardous waste listed in LAC 33:V.4901.E in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with LAC 33:V.1109.E.1 of this Section provided he complies with LAC 33:V.2103, 2105, 2107.A and marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.**
5. **A generator who accumulates either hazardous waste or acutely hazardous waste listed in LAC 33:V.4901.E in excess of the amounts listed in Subsection E.4.a of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with Subsection E.1 of this Section or other applicable provisions of this Chapter.**
6. **During the three-day period, the generator must continue to comply with LAC 33:V.1109.E.4 of this Section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amounts began accumulating.**
7. **A generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:**
  - a. **the generator complies with the requirements of LAC 33:V.Chapter 43.Subchapter H except for LAC 33:V.4427 and 4430;**
  - b. **the generator complies with the requirements of LAC 33:V.4301.E;**
  - c. **the generator complies with the requirements of LAC 33:V.1109.E.1; the requirements of LAC 33:V.Chapter 43.Subchapter B; and the requirements of LAC 33:V.2245.E;**
  - d. **the generator complies with the following requirements:**
    - i. **at all times there must be at least one employee either on the premises or on call (i.e. available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in LAC**

**33:V.1109.E.7.d.iv. This employee is the emergency coordinator;**

- il. the generator must post the following information next to the telephone:**
  - (a). The name and telephone number of the emergency coordinator;**
  - (b). location of fire extinguishers and spill control material, and, if present, fire alarm; and**
  - (c). the telephone number of the fire department, unless the facility has a direct alarm;**
- iii. the generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.**
- iv. the emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:**
  - (a). In the event of a fire, call the fire department or attempt to extinguish the fire with a fire extinguisher;**
  - (b). in the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;**
  - (c). in the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the administrative authority. The report must include the following information:**
    - (i). the name, address, and U.S. EPA Identification Number of the generator;**
    - (ii). date, time, and type of incident (e.g., spill or fire);**
    - (iii). quantity and type of hazardous waste involved in the incident;**
    - (iv). extent of injuries, if any; and**
    - (v). estimated quantity and disposition of recovered materials, if any.**

**Response**

**Exide does not store hazardous waste for disposal for greater than 90 days. The hazardous waste**

(D006/D003) refractory bricks are dispersed offsite immediately after removal from the furnace. The used oil is collected and stored in sealed containers at the point of generation for pick-up by the supplier as soon as they are generated.

## **§1111. Recordkeeping and Reporting**

### **A. Recordkeeping**

1. **A generator must keep a copy of each manifest signed in accordance with LAC 33:V.1107.D.1 for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.**

#### **Response**

Exide proposes no change to the response submitted in the original application.

2. **A generator, must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report.**

#### **Response**

Exide proposes no change to the response submitted in the original application.

3. **A generator must keep records of any test results, waste analyses, or other determinations made in accordance with LAC 33:V.1103 for at least three years from the date that the waste was last sent to an on-site or off-site treatment, storage, or disposal facility.**

#### **Response**

Exide proposes no change to the response submitted in the original application.

4. **The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.**



### Response

Exide proposes no change to the response submitted in the original application.

## **B. Annual Report**

1. **A generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit a single copy of an annual report to the administrative authority by March 1 of each year. The annual report must be submitted on the form provided by the administrative authority and it must cover generator activities during the previous calendar year. The reports must also include the following information:**
  - a. **the EPA identification number, name, and address of the generator;**
  - b. **the calendar year covered by the report;**
  - c. **the EPA identification number, name, and address of each off-site treatment, storage, or disposal facility in the United States to which waste was shipped during the year;**
  - d. **the name and EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage, or disposal facility within the United States;**
  - e. **a description of the waste, the EPA hazardous waste number (see LAC 33:V.4901 or 4903), U.S. Department of Transportation hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by EPA identification number of each such off-site facility to which waste was shipped;**
  - f. **the certification signed by the generator or his authorized representative;**
  - g. **a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;**
  - h. **a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available.**

### Response

Exide proposes no change to the response submitted in the original application.

3. **Generators who also dispose, treat, or store hazardous waste on-site shall also submit annual reports to the department, reporting total quantity, by type, of waste handled, and how that waste was disposed, treated, or stored. Generators must maintain on site a copy of each report submitted to the department for a period of at least three years from the date of the report. Reporting for exports of hazardous waste is not required on the annual report form. A separate annual report requirement is set forth in LAC 33:V.1113.G.**

**Response**

Exide proposes no change to the response submitted in the original application.

**C. Exception Reporting**

1. **A generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 15 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.**

**Response**

Exide proposes no change to the response submitted in the original application.

2. **A generator must submit an Exception Report to the administrative authority if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:**
  - a. **a legible copy of the manifest for which the generator does not have confirmation of delivery; and**
  - b. **a cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.**

**Response**

Exide proposes no change to the response submitted in the original application.

- D. Additional Reporting.** The administrative authority, as it deems necessary under the Act, may require generators to furnish additional reports concerning the quantitles and disposition of wastes identified or listed in LAC 33:V Chapter 49.

**Response**

Exide proposes no change to the response submitted in the original application.

- E. Quarterly Reports.** Generators who dispose of hazardous waste on-site shall submit a quarterly report (form approved by the administrative authority) no later than 15 days after the beginning of the quarter to the department reporting total quantitles (calculated on a daily basis), by type of waste handled, and how that waste was disposed of during the previous calendar quarter, and shall retain on-site a copy of the report for at least three years from the date of disposal.

**Response**

Exide proposes no change to the response submitted in the original application.

**§1113. Exports of Hazardous Waste**

- A. Applicability.** Any person who exports hazardous waste to a foreign country, from a point of departure in the state of Louisiana, must comply with the requirements of this Chapter and with the special requirements of LAC 33:V.1113. LAC 33:V.1113 establishes requirements applicable to exports of hazardous waste. A primary exporter of hazardous waste must comply with the special requirements of LAC 33:V.1113, and a transporter who transports hazardous waste for export must comply with applicable requirements of LAC 33:V.Chapter 13.

**Response**

Exide proposes no change to the response submitted in the original application.

- B. Reserved**

**C. General Requirements. Exports of hazardous wastes are prohibited except in compliance with the applicable requirements of LAC 33:V.1113 and LAC 33:V.Chapter 13. Exports of hazardous waste are prohibited unless:**

- 1. notification in accordance with LAC 33:V.1113.D has been provided;**
- 2. the appropriate authority in the receiving country has consented to accept the hazardous waste;**
- 3. a copy of the EPA Acknowledgment of Consent for the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest (or shipping paper for exports by water [bulk shipment]);**
- 4. the hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA Acknowledgement of Consent.**

**Response**

Exide proposes no change to the response submitted in the original application.

**D. Notification of Intent to Export**

- 1. A primary exporter of hazardous waste must notify the United States Environmental Protection Agency of an intended export before such waste is scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:**
  - a. name, mailing address, telephone number, and EPA ID number of the primary exporter;**
  - b. by consignee, for each hazardous waste type:**
    - i. a description of the hazardous waste and the EPA hazardous waste number (LAC 33:V.4901 and 4903), U.S. Department of Transportation proper shipping name, hazard class, and ID number for each hazardous waste as identified in 49 CFR Part 171-177;**
    - ii. the estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported;**

- iii. the estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22);
  - iv. all points of entry to and departure from each foreign country through which the hazardous waste will pass;
  - v. a description of the means by which each shipment of the hazardous waste will be transported (e.g., mode of transportation vehicle [air, highway, rail, water, etc.], type[s] of container [drums, boxes, tanks, etc.]);
  - vi. a description of the manner in which the hazardous waste will be treated, stored, or disposed of in the receiving country (e.g., land or ocean incineration, other land disposal, ocean dumping, recycling);
  - vii. the name and site address of the consignee and any alternate consignee; and
  - viii. the name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in such country and the nature of its handling while there.
2. Notification shall be sent to the Louisiana Department of Environmental Quality with "Attention: Notification to Export" prominently displayed on the front of the envelope. [Note: This does not relieve the regulated community from the requirement of submitting notification to the Office of Waste Programs Enforcement, RCRA Enforcement Division (OS-520), EPA, as required by 40 CFR 262.53(b).]
3. Except for changes to the telephone number required by Subsection D.1.a of this Section, changes to the information required by Subsection D.1.b.v of this Section, and decreases in the quantity indicated pursuant to Subsection D.1.b.iii of this Section, when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous waste specified in the original notification), the primary exporter must provide the United States Environmental Protection Agency with a written renotification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to Subsection D.1.b.viii of this Section and in the ports of entry to and departure from transit countries pursuant to Subsection D.1.b.iv of this Section) has been obtained and the primary exporter received an EPA

**Acknowledgment of Consent reflecting the receiving country's consent to the changes.**

- 4. Upon request by the United States Environmental Protection Agency, a primary exporter shall furnish to the United States Environmental Protection Agency any additional information which a receiving country requests in order to respond to a notification.**
- 5. The administrative authority will provide a complete notification to the receiving country and any transit countries. A notification is complete when the administrative authority receives a notification which the administrative authority determines satisfies the requirements of LAC 33:V.1113.D.1. Where a claim of confidentiality is asserted with respect to any notification information required by LAC 33:V.1113.D.1, the administrative authority may find the notification not complete until any such claim is resolved in accordance with LAC 33:I.Chapter 5.**
- 6. Where the receiving country consents to the receipt of the hazardous waste, the administrative authority will forward an EPA Acknowledgement of Consent to the primary exporter for purposes of LAC 33:V.1113.E.8. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, the administrative authority will notify the primary exporter in writing. The EPA will also notify the primary exporter of any responses from transit countries.**

**Response**

Exide proposes no change to the response submitted in the original application.

**E. Special Manifest Requirements. A primary exporter must comply with manifest requirements of LAC 33:V.1107, except for the following:**

- 1. in lieu of the name, site address, and EPA ID number of the designated permitted facility, the primary exporter must enter the name and site address of the consignee;**
- 2. in lieu of the name, site address, and EPA ID number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee;**
- 3. in Special Handling Instructions and Additional Information, the primary exporter must identify the point of departure from the United States;**
- 4. the following statement must be added to the end of the first sentence of the certification set forth in Item 16 of the Uniform**

**Hazardous Waste Manifest Form: "and conforms to the terms of the attached EPA Acknowledgment of Consent;"**

- 5. in lieu of the requirements of LAC 33:V.1107.A.6, the primary exporter must obtain the manifest form from the department;**
- 6. the primary exporter must require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies between the manifest and the shipment (as defined in LAC 33:V.907.A). A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste.**

**Response**

**Exide proposes no change to the response submitted in the original application.**

- 7. in lieu of the requirements of LAC 33:V.1107.A.3, where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:**
  - a. renotify the United States Environmental Protection Agency of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with LAC 33:V.1113.D.3 and obtain an EPA Acknowledgment of Consent prior to delivery; or**
  - b. instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and**
  - c. instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.**

**Response**

**Exide proposes no change to the response submitted in the original application.**

- 8. The primary exporter must attach a copy of the EPA Acknowledgement of Consent to the shipment to the manifest which must accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter must provide the transporter with an EPA Acknowledgment of Consent which must accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter must attach the copy of the EPA Acknowledgment of Consent to the shipping paper;**

### **Response**

Exide proposes no change to the response submitted in the original application.

9. The primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with LAC 33:V.1307.G.4.

### **Response**

This section is not applicable to Exide since it does not export hazardous waste.

**F. Exception Reports. In lieu of the requirements of LAC 33:V.1111.C, a primary exporter must file an Exception Report with the United States Environmental Protection Agency, if:**

1. He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within 45 days from the date it was accepted by the initial transporter;
2. Within 90 days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received; or
3. The waste is returned to the United States.

### **Response**

Exide proposes no change to the response submitted in the original application.

**G. Annual Reports**

1. Primary exporters of hazardous waste shall file with the United States Environmental Protection Agency no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. Such reports shall include the following:
  - a. The EPA identification number, name, and mailing and site address of the exporter;
  - b. The calendar year covered by the report;
  - c. The name and site address of each consignee;



- d. By consignee, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from LAC 33:V.4901 or 4903), U.S. Department of Transportation hazard class, the name and US EPA ID number (where applicable) for each transporter used, the total amount of waste shipped and number of shipments pursuant to each notification;
- e. Except for hazardous waste produced by exporters of less than 100 kg in a calendar month, unless provided pursuant to LAC 33:V.1111.B:
  - i. A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and
  - ii. A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.
- f. A certification signed by the primary exporter which states:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."
- 2. Reports shall be sent to the administrative authority of the Louisiana Department of Environmental Quality. [Note: This does not relieve the regulated community from the requirement of submitting annual reports to the Office of Waste Programs Enforcement, RCRA Enforcement Division (OS-520), EPA.]

#### **Response**

Exide proposes no change to the response submitted in the original application.

#### **H. Recordkeeping**

- 1. For all exports a primary exporter must:
  - a. Keep a copy of each notification of Intent to export for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
  - b. Keep a copy of each EPA Acknowledgment of Consent for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

- c. **Keep a copy of each confirmation of delivery of the hazardous waste from the consignee for at least three years from the date the hazardous waste was accepted by the initial transporter; and**
  - d. **Keep a copy of each annual report for a period of at least three years from the due date of the report.**
- 2. **The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the United States Environmental Protection Agency.**

**Response**

Exide proposes no change to the response submitted in the original application.

**I. International Agreements**

- 1. **Any person who exports or imports hazardous waste subject to manifest requirements of this Chapter, or subject to the universal waste management standards of LAC 33:V.Chapter 38, to or from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in LAC 33:V.1113.I.1.a, for purposes of recovery is subject to Subchapter B of this Section. The requirements of this Section and LAC 33:V.1123 do not apply.**
  - a. **For the purposes of these regulations the designated OECD countries consist of Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom, and the United States.**
  - b. **For the purposes of these regulations, Canada and Mexico are considered OECD member countries only for the purpose of transit.**
- 2. **Any person who exports hazardous waste to or imports hazardous waste from a designated OECD member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of this Section and LAC 33:V.1123.**

**Response**

This section is not applicable since Exide does not export hazardous waste to a foreign country.

### **§1115. Preparedness and Prevention**

**All generators shall comply with the requirements of LAC 33:V.1511.**

#### **Response** --

Exide proposes no change to the response submitted in the original application.

### **§1117. Contingency Plan**

**Each generator shall prepare a contingency plan. The contingency plan must include the information as specified in LAC 33:V.1513.A, B, C, D.2, and F. The contingency plan shall include a section describing emergency response procedure as specified in LAC 33:V.1513.F.**

#### **Response**

A revised contingency plan is included as Appendix 6.

### **§1119. Personnel Training**

**All generators shall institute a personnel training program as specified in LAC 33:V.1515. The training program should cover all portions of the facility that handle hazardous wastes.**

#### **Response**

A revised personnel Training Manual is included as Appendix 8.

### **§1121. Spills**

**Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste must be cleaned up in a timely manner.**

#### **Response**

A revised Spill Prevention, Control & Countermeasure Plan (SPCC) is included as Appendix 16.

### **§1123. Imports of Foreign Hazardous Waste**

- A. Any person who imports hazardous waste from a foreign country into the state of Louisiana must comply with this Chapter and the special requirements of LAC 33:V.1123.**
- B. When importing hazardous waste from a foreign country into the state of Louisiana, a person must meet all the requirements of LAC 33:V.1107 for the manifest except that:**
  - 1. the name and address of the foreign generator and the importer's name, address, and EPA identification number must replace the generator's name, address, and EPA identification number;**

2. the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter to replace the generator's signature on the certification statement;
  3. in the comment section (section J) of the manifest form, the importer must indicate the name of any transit countries with the corresponding ports and dates of entry and departure through which each waste type passed and the nature of its handling while there, the point of entry and the date on which the waste entered the United States and the date on which the Importation of Hazardous Waste Notification Form (HW-2) was mailed to the administrative authority; and
  4. a copy of the Importation of Hazardous Waste Notification Form must accompany the manifest form.
- C. A person who imports hazardous waste from a foreign country into the state of Louisiana must obtain a manifest form from the administrative authority. The hazardous waste shipment must be accompanied by the manifest from its point of arrival in the United States to its final disposition in the state of Louisiana.
- D. Any person who imports hazardous waste from a foreign country into the state of Louisiana must prepare an Importation of Hazardous Waste Notification Form (HW-2) notifying the administrative authority of an intended import at least 30 days but not prior to one year before such waste is scheduled to enter the state of Louisiana. This notification form must be obtained from the administrative authority. The notification form must be signed by the importer and include the following information:
1. name, mailing address, telephone number, and EPA identification number of the importer;
  2. for each hazardous waste type:
    - a. a description of the hazardous waste and the EPA hazardous waste number (LAC 33:V.4901 and 4903), the United States Department of Transportation shipping name, the hazard class, and the ID number for each hazardous waste imported;
    - b. the estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest form (8700-22); and
    - c. a description of the manner in which each hazardous waste type will be treated, stored, or disposed of in the state of Louisiana, e.g., incineration, land disposal, recycling;
  3. a description of the means by which the shipment of the hazardous waste will be transported, e.g., mode of transportation

(air, highway, rail, water, etc.) and types of containers (drums, boxes, tanks, etc.); and

4. the name of the U.S. port of entry with the corresponding date of entry and the nature of the handling of the waste from its point of entry into the U.S. until its final destination.
- E. notification shall be sent to the administrative authority with "Attention: Notification to Import Foreign Hazardous Waste" prominently displayed on the front of the envelope. Such notices shall be sent by certified mail.
- F. except for changes to the telephone number required by LAC 33:V.1123.D.1, decreases in the quantity indicated pursuant to LAC 33:V.1123.D.2.c, and changes to the information required by LAC 33:V.1123.D.2.e, when conditions specified on the original notification change (including changes in the estimate of the quantity of hazardous waste specified in the original notification), the importer must provide the administrative authority with written notice of the change. Notice of such change must be submitted to the administrative authority prior to import into the state of Louisiana of the waste that is the subject of the change.

**Response**

This section is not applicable to Exide since it does not import hazardous waste.

**§1125. Unmanifested Foreign Hazardous Waste**

- A. Any person who imports foreign generated material that has not been classified as hazardous waste prior to entry into the state of Louisiana, but subsequently is determined to be hazardous waste, must immediately notify the administrative authority by telephone.
- B. Any person who imports foreign generated material that has not been classified as hazardous waste prior to entry into the state of Louisiana, but subsequently is determined to be hazardous must, within seven business days:
  1. File in writing an unmanifested waste report with the administrative authority which shall include;
    - a. The facility name and location;
    - b. The port of entry of the hazardous waste;
    - c. The date of entry of the hazardous waste;
    - d. Clarification of existence or nonexistence of an Importation of Hazardous Waste Notification Form (HW-2);

- e. The name of the transporter from port of entry to the destination facility;
  - f. The vehicle numbers of the transporters; and
  - g. The date of transportation; and
2. Prepare a manifest and file a copy of the completed manifest for the unmanifested waste with the administrative authority. (The transporter's signature may be omitted from the manifest; however, the comment section (section J) of the manifest must explain why the signature was omitted and must detail the unmanifested waste circumstance.)

**Response**

This section is not applicable to Exide since it does not import hazardous waste.

**Subchapter B. Transfrontier Shipments of Hazardous Waste**

**§1127. Transfrontier Shipments of Hazardous Waste for Recovery Within the OECD**

**A. Applicability**

- 1. The requirements of this Subchapter apply to imports and exports of wastes that are considered hazardous under United States national procedures and are destined for recovery operations in the countries listed in LAC 33:V.1113.I.1.a. A waste is considered hazardous under United States national procedures if it meets the definition of hazardous waste in LAC 33:V.109 and is subject to either the manifesting requirements in LAC 33:V.1107 or to the universal waste management standards of LAC 33:V.Chapter 38.
- 2. Any person (notifier, consignee, or recovery facility operator) who mixes two or more wastes (including hazardous and nonhazardous wastes) or otherwise subjects two or more wastes (including hazardous and nonhazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any notifier duties, if applicable, under this Subchapter.

**Response**

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

## **B. General Conditions**

**1. Scope.** The level of control for exports and imports of waste is indicated by assignment of the waste to a green, amber, or red list and by United States national procedures as defined in Subsection A.1 of this Section. The green, amber, and red lists are incorporated by reference in LAC 33:V.110.A.16.

**a. Wastes on the green list are subject to existing controls normally applied to commercial transactions, except as provided in the following:**

- i. Green-list wastes that are considered hazardous under United States national procedures are subject to amber-list controls;**
- ii. Green-list wastes that are sufficiently contaminated or mixture is considered hazardous under United States national procedures are subject to amber-list controls;**
- iii. Green-list wastes that are sufficiently contaminated or mixed with other wastes subject to red-list controls such that the waste or waste mixture is considered hazardous under United States national procedures must be handled in accordance with the red-list controls.**

**b. Wastes on the amber list that are considered hazardous under United States national procedures as defined in Subsection A.1 of this Section are subject to the amber-list controls of this Subchapter.**

- i. If amber-list wastes are sufficiently contaminated or mixed with other wastes subject to red-list controls such that the waste or waste mixture is considered hazardous under United States national procedures, the wastes must be handled in accordance with the red-list controls.**

**ii. Reserved**

**c. Wastes on the red list that are considered hazardous under United States national procedures as defined in Subsection A.1 of this Section are subject to the red-list controls of this Subchapter.**

**Note:** Some wastes on the amber or red lists are not listed or otherwise identified as hazardous under RCRA (e.g., polychlorinated biphenyls) and, therefore, are not subject to the amber-list or red-list controls of this Subchapter. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act) may restrict certain waste imports

or exports. Such restrictions continue to apply without regard to this Subchapter.

**d. Wastes not yet assigned to a list are eligible for transfrontier movements, as follows:**

- i. If such wastes are considered hazardous under United States national procedures as defined in Subsection A.1 of this Section, these wastes are subject to the red-list controls; or**
- ii. If such wastes are not considered hazardous under United States national procedures as defined in Subsection A.1 of this Section, such wastes may move as though they appeared on the green list.**

**2. General Conditions Applicable to Transfrontier Movements of Hazardous Waste**

- a. The waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country.**
- b. The transfrontier movement must be in compliance with applicable international transport agreements.**

**Note:** These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

- c. Any transit of waste through a non-OECD member country must be conducted in compliance with all applicable international and national laws and regulations.**

**3. Provisions Relating to Re-export for Recovery to a Third Country**

- a. Re-export of wastes subject to the amber-list control system from the United States, as the importing country, to a third country listed in LAC 33:V.1113.I.1.a may occur only after a notifier in the United States provides notification to and obtains consent of the competent authorities in the third country, the original exporting country, and new transit countries. The notification must comply with the notice and consent procedures in Subsection C of this Section for all concerned countries, and the original exporting country. The competent authorities of the original exporting country as well as the competent authorities of all other concerned countries have 30 days to object to the proposed movement.**
  - i. The 30-day period begins once the competent authorities of both the initial exporting country and new importing**



country issue Acknowledgements of Receipt of the notification.

- ii. The transfrontier movement may commence if no objection has been lodged after the 30-day period has passed or immediately after written consent is received from all relevant OECD importing and transit countries.
- b. Re-export of wastes subject to the red-list control system from the original importing country to a third country listed in LAC 33:V.1113.I.1.a may occur only following notification of the competent authorities of the third country, the original exporting country, and new transit countries by a notifier in the original importing country in accordance with Subsection C of this Section. The transfrontier movement may not proceed until receipt by the original importing country of written consent from the competent authorities of the third country, the original exporting country, and new transit countries.
- c. In the case of re-export of amber-list or red-list wastes to a country other than those in LAC 33:V.1113.I.1.a, notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in Subsection B.3.a-b of this Section in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first importing country.

#### **Response**

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

### **C. Notification and Consent**

1. **Applicability.** Consent must be obtained from the competent authorities of the relevant OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to this Subchapter. Hazardous wastes subject to amber-list controls are subject to the requirements of Subsection C.2 of this Section; hazardous wastes subject to red-list controls are subject to the requirements of Subsection C.3 of this Section; and wastes not identified on any list are subject to the requirements of Subsection C.4 of this Section.
2. **Amber-List Wastes.** The export from the United States of hazardous wastes as described in Subsection A.1 of this Section that appear on the amber list is prohibited unless the notification and consent requirements of this Subsection are met.

**a. Transactions Requiring Specific Consent**

- i. Notification.** At least 45 days prior to commencement of the transfrontier movement, the notifier must provide written notification in English of the proposed transfrontier movement to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in Subsection C.5 of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year.
- ii. Tacit Consent.** If no objection has been lodged by any concerned country (i.e., exporting, importing, or transit countries) to a notification provided pursuant to Subsection C.2.a.i of this Section within 30 days after the date of issuance of the Acknowledgment of Receipt of notification by the competent authority of the importing country, the transfrontier movement may commence. Tacit consent expires one calendar year after the close of the 30-day period; renotification and renewal of all consents are required for exports after that date.
- iii. Written Consent.** If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the transfrontier movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date.

**b. Shipments to Facilities Preapproved by the Competent Authorities of the Importing Countries to Accept Specific Wastes for Recovery**

- i. The notifier must provide EPA the information identified in Subsection C.5 of this Section, in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification should indicate that the recovery facility is preapproved and may apply to a single specific shipment or to multiple shipments as described in Subsection C.2.a.i of this Section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, with the words "OECD Export Notification-Preapproved Facility" prominently displayed on the envelope.**
- ii. Shipments may commence after the notification required in Subsection C.2.a.i of this Section has been received by the competent authorities of all concerned countries, unless the notifier has received information indicating that the competent authorities of one or more concerned countries objects to the shipment.**

- b. Notifier name and EPA identification number (if applicable), address, and telephone and telefax numbers;
- c. Importing recovery facility name, address, telephone and telefax numbers, and technologies employed;
- d. Consignee name (if not the owner or operator of the recovery facility), address, and telephone and telefax numbers; whether the consignee will engage in waste exchange or storage prior to delivering the waste to the final recovery facility and identification of recovery operations to be employed at the final recovery facility;
- e. Intended transporters and/or their agents;
- f. Country of export and relevant competent authority and point of departure;
- g. Countries of transit and relevant competent authorities and points of entry and departure;
- h. Country of import and relevant competent authority and point of entry;
- i. Statement of whether the notification is a single notification or a general notification. If general, include the period of validity requested;
- j. Date foreseen for commencement of transfrontier movement;
- k. Designation of waste type(s) from the appropriate list (amber or red and waste list code), descriptions of each waste type, estimated total quantity of each, RCRA waste code, and United Nations number for each waste type; and
- l. Certification/declaration signed by the notifier that states:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement."

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Note:** The United States does not currently require financial assurance; however, United States exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.

### **Response**

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

#### **D. Tracking Document**

1. All United States parties subject to the contract provisions of Subsection E of this Section must ensure that a tracking document meeting the conditions of Subsection D.2 of this Section accompanies each transfrontier shipment of wastes subject to amber-list or red-list controls from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored and/or exchanged by the consignee prior to shipment to the final recovery facility, except as provided in Subsection D.1.a-b of this Section.
  - a. For shipments of hazardous waste within the United States solely by water (bulk shipments only) the generator must forward the tracking document with the manifest to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water (in accordance with the manifest routing procedures in LAC 33:V.1107.D.3).
  - b. For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must forward the tracking document with the manifest (in accordance with the routing procedures for the manifest in LAC 33:V.1107.D.4) to the next nonrail transporter, if any, or the last rail transporter to handle the waste in the United States if exported by rail.
2. The tracking document must include all information required under Subsection C of this Section for notification and the following:
  - a. Date shipment commenced;
  - b. Name (if not notifier), address, and telephone and telefax numbers of primary exporter;
  - c. Company name and EPA ID number of all transporters;
  - d. Identification (license, registered name, or registration number) of means of transport, including types of packaging;
  - e. Any special precautions to be taken by transporters;

- f. Certification/declaration signed by notifier that no objection to the shipment has been lodged as follows:**

**"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement, and that:**

- 3. All necessary consents have been received; or**
- 4. The shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period; or**
- 5. The shipment is directed at a recovery facility preauthorized for that type of waste within the OECD area; such an authorization has not been revoked, and no objection has been received from any of the concerned countries."**

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**and**

- g. appropriate signatures for each custody transfer (e.g., transporter, consignee, and owner or operator of the recovery facility).**
- 6. Notifiers also must comply with the special manifest requirements of LAC 33:V.1113.E.1, 2, 3, 5, and 9; and consignees must comply with the import requirements of LAC 33:V. 1123.**
- 7. Each United States person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the tracking document (e.g., transporter, consignee, and owner or operator of the recovery facility).**
- 8. Within three working days of the receipt of imports subject to this Subchapter, the owner or operator of the United States recovery facility must send signed copies of the tracking document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries.**

### **Response**

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

#### **E. Contracts**

- 1. Transfrontier movements of hazardous wastes subject to amber or red control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the notifier and the owner or operator of the recovery facility and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this Section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangement.**
- 2. Contracts or equivalent arrangements must specify the name and EPA ID number, where available, of:**
  - a. the generator of each type of waste;**
  - b. each person who will have physical custody of the wastes;**
  - c. each person who will have legal control of the wastes; and**
  - d. the recovery facility.**
- 3. Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if its disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify that:**
  - a. the person having actual possession or physical control over the wastes will immediately inform the notifier and the competent authorities of the exporting and importing countries and, if the wastes are located in a country of transit, the competent authorities of that country; and**
  - b. the person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging their return to the original country of export.**
- 4. contracts must specify that the consignee will provide the notification required in Subsection B.3 of this Section prior to re-export of controlled wastes to a third country.**

5. **contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any concerned country, in accordance with applicable national or international law requirements.**

**Note:** Financial guarantees so required are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD countries do. It is the responsibility of the notifier to ascertain and comply with such requirements; in some cases, transporters or consignees may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

6. **contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subchapter.**
7. **upon request by EPA, United States notifiers, consignees, or recovery facilities must submit to EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 40 CFR 2.203(b) will be treated as confidential and will be disclosed by EPA only as provided in 40 CFR 260.2.**

**Note:** Although the United States does not require routine submission of contracts at this time, OECD Council Decision C(92)39/FINAL allows members to impose such requirements. When other OECD countries require submission of partial or complete copies of the contract as a condition to granting consent to proposed movements, EPA will request the required information; absent submission of such information, some OECD countries may deny consent for the proposed movement.

#### **Response**

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

### **F. Provisions Relating to Recognized Traders**

1. **A recognized trader who takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator of a recovery facility and must be so authorized in accordance with all applicable federal laws.**



2. A recognized trader acting as a notifier or consignee for transfrontier shipments of waste must comply with all the requirements of this Subchapter associated with being a notifier or consignee.

**Response**

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

**G. Reporting and Record Keeping**

1. **Annual Reports.** For all waste movements subject to this Subchapter, persons (e.g., notifiers, recognized traders) who meet the definition of primary exporter in LAC 33:V.109 shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subchapter, he may include all export information in one report provided the information required by this Subsection on exports of waste destined for recovery within the designated OECD member countries is contained in a separate Section.) Such reports shall include the following:
  - a. The EPA identification number, name, and mailing and site address of the notifier filing the report;
  - b. The calendar year covered by the report;
  - c. The name and site address of each final recovery facility;
  - d. By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from LAC 33:V.Chapter 49), designation of waste type(s) from OECD waste lists and applicable waste code from the OECD lists, the DOT hazard class, the name and U.S. EPA identification number (where applicable) for each transporter used, the total amount of hazardous waste shipped pursuant to this Subchapter, and the number of shipments pursuant to each notification;
  - e. In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100kg but less than 1,000 kg in a calendar month and

except for hazardous waste for which information was already provided pursuant to LAC 33:V.1111.B:

- i. A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and
- ii. A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and

- f. A certification signed by the person acting as primary exporter that states:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

- 2. **Exception Reports.** Any person who meets the definition of primary exporter in LAC 33:V.109 must file an exception report, in lieu of the requirements of LAC 33:V.1111.C, with the administrative authority if any of the following occurs:

- a. He has not received a copy of the tracking documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;
- b. Within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation from the recovery facility that the hazardous waste was received; or
- c. The waste is returned to the United States.

- 3. **Recordkeeping**

- a. Persons who meet the definition of primary exporter in LAC 33:V.109 shall keep the following records:
  - i. A copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned countries for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
  - ii. A copy of each annual report for a period of at least three years from the due date of the report; and

iii. A copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking documentation) sent by the recovery facility to the notifier for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.

b. The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.

**Response**

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

**H. Preapproval for United States Recovery Facilities—Reserved.**

**I. OECD Waste Lists**

1. **General.** For the purposes of this Subchapter, a waste is considered hazardous under United States national procedures, and hence subject to this Subchapter, if the waste:
  - a. Meets the definition of hazardous waste in LAC 33:V.109; and
  - b. Is subject to either the manifesting requirements of this Chapter or to the universal waste management standards of LAC 33:V.Chapter 38.
2. If a waste is hazardous under Subsection I.1.a of this Section and it appears on the amber or red list, it is subject to amber-list or red-list requirements respectively.
3. If a waste is hazardous under Subsection I.1.a of this Section and it does not appear on either the amber or red list, it is subject to red-list requirements.
4. The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in Subsection B of this Section.

**Response**

This section is not applicable to Exide since it does not conduct transfrontier shipments of hazardous waste for recovery.

## **CHAPTER 13**

### **TRANSPORTERS**

Exide acknowledges and understands the information provided in this chapter. However, Exide makes no change to the original application.

# **CHAPTER 15**

## **TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**

**Chapter 15. Treatment, Storage, and Disposal Facilities**

**§1501. Applicability**

- A. The regulations in this Chapter apply to owners and operators of all hazardous waste facilities, except as provided in LAC 33:V.1501.C. LAC 33:V.1503.B.3 applies only to facilities subject to regulations under LAC 33:V. Chapters 19, 21, 23, 25, 27, 29, 31, or 32.**

**Response**

Exide stores lead materials within the containment building and is therefore subject to the regulations in Chapter 15 of the LHWR (Louisiana Hazardous Waste Regulations).

- B. Except as specifically authorized by the terms and conditions of a permit issued under these rules and regulations, the construction and operation of a facility to treat, store, or dispose of hazardous wastes in violation of the standards established by this Section shall be a violation of the Act enforceable pursuant to LAC 33:V.107 of these regulations and R.S. 30:1073.**

**Response**

Exide acknowledges this citation.

- C. The requirements of this Chapter do not apply to:**
- 1. the owner or operator of a facility permitted, licensed, or registered to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation by LAC 33:V. Subpart 1;**
  - 2. the owner or operator of a facility which treats or stores material which would otherwise be a hazardous waste which is being beneficially used or reused, legitimately recycled, or reclaimed as defined in LAC 33:V.Chapter 41 (except to the extent they are referred to in LAC 33:V.Chapter 40 or Sections 4139, 4143, or 4145;**
  - 3. Reserved;**
  - 4. a farmer disposing of waste pesticides from his own use as provided in LAC 33:V.1101.D;**
  - 5. the owner or operator of a totally enclosed treatment facility (see LAC 33:V.109);**
  - 6. the owner or operator of an elementary neutralization unit or wastewater treatment unit (see LAC 33:V.109) provided that if the owner or operator is diluting hazardous ignitable (D001) wastes**

(other than the D001 High TOC Subcategory defined in LAC 33:V.Chapter 22.Table 2, Treatment Standards for Hazardous Wastes) or reactive (D003) waste to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in LAC 33:V.1517.B;

7.
  - a. except as provided in Subsection C.7.b of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:
    - i. a discharge of a hazardous waste;
    - ii. an imminent and substantial threat of a discharge of hazardous waste;
    - iii. a discharge of a material that, when discharged, becomes a hazardous waste; or
    - iv. an immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in LAC 33:V.109;
  - b. an owner or operator of a facility otherwise regulated by this Chapter must comply with all applicable requirements of LAC 33:V.1511 and 1513;
  - c. any person who is covered by Subsection C.7.a of this Section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Chapter and 40 CFR 122-124 for those activities; and
  - d. in the case of an explosives or munitions emergency response, if a federal, state, tribal, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition;
8. a transporter storing manifested shipments of hazardous waste in containers meeting the requirements applicable to the regulations of the Department of Public Safety on packaging, at a transfer

facility for a period of 10 days or less, if so approved by the administrative authority;

9. the addition of absorbent material to waste in a container (see LAC 33:V.109), or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container and LAC 33:V.1517.B, 2103, and 2105 are complied with;
10. a generator accumulating waste on-site in compliance with LAC 33:V.1109.E;
11. universal waste handlers and universal waste transporters (as defined in LAC 33:V.3813) handling the wastes listed below. These handlers are subject to regulation under LAC 33:V.Chapter 38, when handling the below listed universal wastes:
  - a. batteries as described in LAC 33:V.3803;
  - b. pesticides as described in LAC 33:V.3805;
  - c. thermostats as described in LAC 33:V.3807;
  - d. lamps as described in LAC 33:V.3809; and
  - e. antifreeze as described in LAC 33:V.3811; or

**Response**

Exide acknowledges these provisions for applicability. However, in accordance with LAC 33:V.4145.B, owners or operators of facilities that store lead acid batteries prior to reclamation are subject to the provisions of this chapter.

12. LAC 33:V.5309 identifies when the requirements of this Chapter apply to the storage of military munitions classified as solid waste under LAC 33:V.5303. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in LAC 33:V.Subpart 1.

**Response**

Exide acknowledges and understands this provision; however, Exide does not store military munitions.

- D. The requirements of this Chapter apply to owners or operators of all facilities which treat, store, or dispose of hazardous wastes referred to in LAC 33:V.Chapter 22.

**Response**

Exide acknowledges and understands this provision.



- E. The requirements of this Chapter apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act only to the extent they are included in a RCRA permit by rule granted to such a person under LAC 33:V.305.D.**

**Response**

Exide acknowledges and understands this provision; however, Exide does not conduct ocean disposal.

- F. The requirements of this Chapter apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued under an Underground Injection Control (UIC) program approved or promulgated under the Safe Drinking Water Act only to the extent they are required by 40 CFR 144.14.**

**Response**

Exide acknowledges and understands this provision; however, Exide does not conduct underground injection.

- G. The requirements of this Chapter apply to the owner or operator of a POTW which treats, stores, or disposes of hazardous waste only to the extent they are included in a RCRA permit by rule granted to such a person under LAC 33:V.305.D.**

**Response**

Exide acknowledges and understands this provision; however, Exide does not own or operate a POTW.

- H. The requirements of LAC 33:V.1105, 1503, 1504, 1507, 1509, 1511, 1513, 1515, 1517, 1519, and 3322 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, LAC 33:V.1509, 1511, 1513, and 3322 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of LAC 33:V.1509, 1511, and 1513, owners or operators of remediation waste management sites must:**

- 1. obtain an EPA identification number by applying to the administrative authority using the department's Form HW - 1;**
- 2. obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information which must be known to treat, store, or dispose of the waste according to LAC 33:V.Chapters 9 - 11, 15 - 29, and 31- 37, and must be kept accurate and up to date;**

3. **prevent people who are unaware of the danger from entering, and minimize the possibility for unauthorized people or livestock to enter onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate to the administrative authority that:**
  - a. **physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock who may enter the active portion of the remediation waste management site; and**
  - b. **disturbance of the waste or equipment by people or livestock who enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Section;**
4. **inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of hazardous waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner/operator must take remedial action immediately;**
5. **provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of LAC 33:V.Chapters 9 - 11, 15- 29, and 31- 37, and on how to respond effectively to emergencies;**
6. **take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and prevent threats to human health and the environment from ignitable, reactive, and incompatible waste;**
7. **for remediation waste management sites subject to regulation under LAC 33:V.Chapters 19, 21, 23, 25, 27, 29, 31, and 32, the owner/operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner/operator can meet the demonstration of LAC 33:V.1503.B;**
8. **not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;**

9. develop and maintain a construction quality assurance program for all surface impoundments, waste piles, and landfill units that are required to comply with LAC 33:V.2303.C and D, 2503.L and M, and 2903.J and K at the remediation waste management site, according to the requirements of LAC 33:V.1504;
10. develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment occurs;
11. designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;
12. develop, maintain, and implement a plan to meet the requirements in Subsection H.2 - 6 and 9 – 10 of this Section; and
13. maintain records documenting compliance with Subsection H.1 – 12 of this Section.

**Response**

Exide acknowledges and understands these provisions; however, Exide is not a remediation waste management site and therefore this section does not apply.

**§1503. Site Requirements**

**A. Geology**

1. **Topographic Relief.** The site should not have any abrupt topographic changes or means should be provided to guard against slides, slumping, or erosion.

### **Response**

Exide is located in the northwestern portion of East Baton Rouge Parish. The site topography is relatively flat with a slope toward the Baton Rouge Bayou on the northwest side of the property. The containment building is located centrally and is not sloped toward the bayou. The average elevation of the site is approximately 80 feet above mean sea level (MSL).

2. **Soils.** The area should be covered with natural stable soils of low permeability or a means should be provided, acceptable to administrative authority, which provide a barrier to penetration of surface spills or accumulations of hazardous wastes into a subsurface strata which would have a potential effect on a fresh-water aquifer.

### **Response**

The containment building has protective measures in place to prevent the penetration of hazardous waste materials into the subsurface strata. These protective measures and building design are discussed in detail in Chapter 5 and Chapter 18.

3. **Seismic Conditions.** Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted must not be located within 61 meters (200 feet) of a fault which has had displacement in Holocene time.

### **Response**

Exide proposes no change to the original application.

## **B. Hydrology**

1. **General Requirement.** Sites utilized shall be isolated by means of natural or created boundaries from adjoining land and from subsurface and surface waters.

### **Response**

The containment building is completely enclosed in order to isolate it from the adjoining land and subsurface/surface waters. The containment building and all other areas managed in accordance with the LHWRs are located on concrete and/or asphalt floors to prevent subsurface penetration of liquid. In addition, areas that have free liquids utilize a secondary containment system and/or roofing so that any liquids collected will be contained and subsequently discharged to the wastewater treatment (WWT) system. Stormwater from the active area is also discharged to the WWT system.

2. **Drainage.** The site must have the capability to control and/or contain run-off from the maximum rainfall in 24 hours from a 25-year storm (when maximum rain fall records are not available, the design standard shall be 12 inches below 31 degrees North latitude and nine inches above 31 degrees North latitude) and must have the capability to divert run-on from adjoining land (outside limits of hazardous waste site or if part of an industrial complex, outside limits of company property) from such a storm from the site (surface and subsurface).

**Response**

The site has the necessary control structures to divert run-on from adjoining lands and has a containment system capacity designed to hold a rainfall event of twenty-four hours in the event of a twenty-five year storm.

3. **Floodplains**

- a. A facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood unless the owner or operator can demonstrate to the administrative authority that:
- i. procedures are in effect which will cause the waste to be removed safely, before flood waters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters; or

**Response**

Exide proposes no change to the response submitted in the original application.

- ii. for existing surface impoundments, waste piles, land treatment units, landfills, and miscellaneous units, no adverse effects on human health or the environment will result if washout occurs, considering:
  - (a). the volume and physical and chemical characteristics of the waste in the facility;
  - (b). the concentrations of hazardous constituents that would potentially affect surface waters as a result of washout;
  - (c). the impact of such concentrations on the current or potential uses of and water quality standards established for the affected surface waters; and
  - (d). the impact of hazardous constituents on the sediments of affected surface waters or the soils of the 100-year floodplain that could result from washout.

### **Response**

Exide does not have any existing surface impoundments, land treatment units, hazardous waste landfills, or miscellaneous units. This modification is for an upgrade to the existing containment building.

#### **4. Hurricane-Prone-Areas.**

**Sites located in an area which is historically subject to hurricanes shall be protected from the entry of water by natural or created barriers certified by a professional engineer.**

### **Response**

Exide is not located in an area historically subject to hurricanes. The land between the site location and the Louisiana Gulf Coast provides a natural barrier from the full impact of a hurricane. This distance provides adequate warning to shut down the site and prepare for the storm. The RCRA Contingency Plan and Emergency Response is included as Appendix 6 and is in place in the event of a hurricane threat to the surrounding area.

#### **5. Conformity with Existing Restrictions and Permits.**

**Sites located in floodways or wetlands under control of the U.S. Army Corps of Engineers and/or the Coastal Zone Management Office must apply for applicable permits. However, to avoid unnecessarily long licensing periods, the department may accept and process the application with its final approval dependent upon a similar approval. Final department action on such a state permit will be taken after final action on wetlands and coastal zone permits.**

### **Response**

The site is not under the control of the U.S. Army Corps of Engineers or the Coastal Zone Management Office nor are any coastal zone or wetlands permits required to operate the containment building.

#### **6. Areas of Critical Environmental Concern. Sites located in, or adjacent to, swamps, marshes, floodplains, estuaries, designated wildlife hatchery areas, habitats of endangered species, and similar critical environmental areas shall be isolated from such areas by effective barriers which eliminate possible adverse impacts on such areas due to the operation of the facility.**

### **Response**

Exide is not located in or adjacent to swamps, marshes, floodplains, estuaries, designated wildlife hatchery areas, habitats of endangered species, or other environmentally sensitive areas.

7. **Salt Dome Formations, Salt Bed Formations, Underground Mines, and Caves.** The placement of any noncontainerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave is prohibited.

**Response**

Exide acknowledges and understands this provision; however, Exide does not place hazardous waste in any salt formation.

**C. Facilities**

1. **Transportation.** Access to sites by surface and water transportation modes shall be by roads and waterways with the capacity to accept the demands created by the facility and designed to avoid, to the extent practical, congestion, sharp turns, obstructions, or other hazards which are conducive to accidents.

**Response**

Exide proposes no change to the response submitted in the original application.

2. **Services.** Sites shall have convenient access to required services, including: utilities, medical care, police, fire protection, and similar services, or provide these services internally in a manner acceptable to the administrative authority.

**Response**

Exide proposes no change to the response submitted in the original application.

3. **Buffer Zone**

- a. **General Requirement.** Sites shall be shielded from adjoining noncompatible land uses by space, natural separation, or other means acceptable to the administrative authority.
- b. **Minimum Requirements.** In no event shall the buffer be less than that stated for the following sites:
  - i. **Sites zoned industrially—**Sufficient space for security and drainage control facilities; or
  - ii. **All other locations—**200 feet between any facility (treatment pond, incinerator, tank, etc.) and property line unless a proper buffer is installed which is acceptable to the administrative authority (see LAC 33:V.2113 for container requirements).

**Response**

Exide is zoned industrial and provides sufficient space for security and drainage control between the containment building and the adjacent property.

## **§1504. Construction Quality Assurance Program**

### **A. CQA Program**

- 1. A construction quality assurance (CQA) program is required for all surface impoundment, waste pile, and landfill units that are required to comply with LAC 33:V.2903.J and K, 2303.C and D, and 2503.L and M. The program must ensure that the constructed units meet or exceed all design criteria and specifications in the permit. The program must be developed and implemented under the direction of a CQA officer who is a registered professional engineer.**

#### **Response**

Exide acknowledges and understands this provision; however, Exide does not require the construction of surface impoundments, waste piles or landfill units at this time.

- 2. The CQA program must address the following physical components, where applicable:**
  - a. foundations;**
  - b. dikes;**
  - c. low-permeability soil liners;**
  - d. geomembranes (flexible membrane liners);**
  - e. leachate collection and removal systems and leak detection systems; and**
  - f. final cover systems.**

#### **Response**

Exide acknowledges and understands this provision; however, Exide does not require the construction of surface impoundments, waste piles or landfill units at this time.

- B. Written CQA Plan. The owner or operator of units subject to the CQA program under LAC 33:V.1504.A must develop and implement a written CQA plan. The plan must identify steps that will be used to monitor and document the quality of materials and the condition and manner of their installation. The CQA plan must include:**

- 1. identification of applicable units and a description of how they will be constructed;**
- 2. identification of key personnel in the development and implementation of the CQA plan and CQA officer qualifications;**
- 3. a description of inspection and sampling activities for all unit components identified in LAC 33:V.1504.A.2, including observations and tests that will be used before, during, and after construction to**



ensure that the construction materials and the installed unit components meet the design specifications. The description must cover:

- a. sampling size and locations;
- b. frequency of testing;
- c. data evaluation procedures;
- d. acceptance and rejection criteria for construction materials;
- e. plans for implementing corrective measures; and
- f. data or other information to be recorded and retained in the operating record under LAC 33:V.1529.

**Response**

Exide acknowledges and understands this provision; however, Exide does not require the construction of surface impoundments, waste piles or landfill units at this time.

**C. Contents of Program**

1. The CQA program must include observations, inspections, tests, and measurements sufficient to ensure:
  - a. structural stability and integrity of all components of the unit identified in LAC 33:V.1504.A.2;
  - b. proper construction of all components of the liners, leachate collection and removal system, leak detection system, and final cover system, according to permit specifications and good engineering practices, and proper installation of all components (e.g., pipes) according to design specifications; and
  - c. conformity of all materials used with design and other material specifications under LAC 33:V.2303, 2503, and 2903.
2. The CQA program shall include test fills for compacted soil liners, using the same compaction methods as in the full-scale unit, to ensure that the liners are constructed to meet the hydraulic conductivity requirements of LAC 33:V.2303.C.1.b, 2503.L.1.b, and 2903.J.1.b in the field. Compliance with the hydraulic conductivity requirements must be verified by using *in situ* testing on the constructed test fill. The administrative authority may accept an alternative demonstration, in lieu of a test fill, where data are sufficient to show that a constructed soil liner will meet the hydraulic conductivity requirements of LAC 33:V.2303.C.1.b, 2503.L.1.b, and 2903.J.1.b in the field.

**Response**

Exide acknowledges and understands this provision; however, Exide does not require the construction of surface impoundments, waste piles or landfill units at this time.

- D. Certification.** Waste shall not be received in a unit subject to LAC 33:V.1504 until the owner or operator has submitted to the administrative authority by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA plan has been successfully carried out, that the unit meets the requirements of LAC 33:V.2903.J or K, 2303.C or D, or 2503.L or M, and the procedure in LAC 33:V.309.L.3.b has been completed. Documentation supporting the CQA officer's certification must be furnished to the administrative authority upon request.

**Response**

Exide acknowledges and understands this provision; however, Exide does not require the construction of surface impoundments, waste piles or landfill units at this time.

**§1505. Discharges from the Site**

- A. General Requirements.** All point-source discharges must be controlled and reported as follows:

1. water discharges, if any, must be in conformity with effluent limitations established by the Clean Water Act operating under an NPDES permit and reported as required by that permit. The NPDES Permit must be applied for prior to the issuance of a hazardous waste permit; or

**Response**

Exide discharges treated water through an approved outfall under the authority of NPDES/LPDES LA0004464.

2. air emissions, if any, must be in conformity with air limitations of the Clean Air Act administered by the Air Quality Division of the department, operating under an Air Quality Permit as required, and reported as required by that permit. The air permit must be applied for prior to the issuance of a hazardous waste permit.

**Response**

Exide emissions are in conformity with air limitations of the Clean Air Act, and Exide operates under permits obtained through the Air Quality Division for all of its emissions.

- B. Surface.** Offsite shipments of any hazardous waste material, containers, packaging, or similar material must be reported on a manifest and must be delivered to a permitted facility.

### **Response**

All offsite shipments of hazardous waste material, containers, packaging, or similar material will be reported on a manifest and delivered to a permitted facility.

### **C. Spills**

1. **Any spill of hazardous waste which could possibly endanger health or adversely affect the environment off-site shall be reported to the department immediately as provided in the "Notification Regulations and Procedures for Unauthorized Discharges and Spills." (See LAC 33:I.Chapter 39)**

### **Response**

Any spills shall be reported in accordance with LAC 33:I.Chapter 39, "Notification Regulations and Procedures for Unauthorized Discharges and Spills."

2. **If a spill occurs on the site of a generator or TSD facility, and if that spill could endanger the public health or affect the environment off-site, the department and the Department of Public Safety have the authority to enter the site and investigate the spill. It is the responsibility of the operator to report spills of this nature to the department and the Department of Public Safety as soon as possible, as provided in LAC 33:V.1505.C.1.**

### **Response**

In the event of a spill that could potentially endanger public health or affect the surrounding environment, Exide understands that the LDEQ and the Department of Public Safety have the authority to enter the site and investigate the spill. In the event of a spill of this magnitude, the operator will report it to the LDEQ and to the Department of Public Safety as soon as possible in accordance with LAC 33:V.1505.C.1.

3. **Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste must be cleaned up in a timely manner.**

### **Response**

Any spilled material or material trapped in sumps that is a hazardous waste will be disposed of as a hazardous waste in a timely manner.

## **§1507. Security**

- A. **General Requirements. The security system shall insure that site ingress and egress by the public is controlled and that employees are protected from hazards to health resulting from contact with extremely hazardous operations.**
- B. **Perimeter Control. The natural or created barrier to site ingress or egress around the entire perimeter of the hazardous waste area shall be**

**continuously patrolled or monitored. Equipment will be installed, as necessary, to keep birds and wildlife off the site.**

**Response**

The facility is fenced on three of its four sides and has a natural barrier to prevent entry from the other side. Gates and security guards are also used to control each entry point.

A gate is positioned at each of Exide's entry points equipped with secure locking devices. A gatehouse containing electronically controlled devices for gate operations is positioned at the main entrance. The guards periodically patrol the site and document their patrol in a log book.

These barriers insure that site ingress/egress by the public and/or wildlife is controlled and that public safety from operations at the site are protected.

Physical or other barriers are not needed to further protect employees from health hazards associated with the operations at this facility.

- C. Entry. Each entry through the perimeter barrier shall be manned at all hours. The entry should be opened by security personnel or by an electronic system (card, code, handprint, etc. or television monitor) acceptable to the administrative authority.**

**Response**

The main gate is patrolled 24 hours a day for 365 days per year by security guard(s). The other two gates are kept locked and temporarily opened when needed. When open, these gates are attended by security guard(s).

- D. Alternate Means of Meeting Security Requirements. Any operator may petition the administrative authority for acceptance of equivalent alternative means of meeting the requirements of LAC 33:V.1507 in whole or in part. This shall be done through submission of proof that necessary procedures for the protection of health and property are provided by other means and that representatives of local fire and police departments, if any, are adequately informed of such means.**

**Response**

Exide does not need to petition for an alternate means of meeting security requirements.

- E. Perimeter Barrier. A constructed barrier shall enclose the entire hazardous waste site and shall have the capability to deny unauthorized or unknowing ingress or egress and to prevent entry by domestic livestock.**

### **Response**

A perimeter fence is constructed around three sides of the facility. The fourth side is bound by Bayou Baton Rouge which prevents entry from that side. These barriers will prevent entry by domestic livestock and denies unauthorized ingress or egress by the public.

- F. Perimeter Clear Zone. A clear, lighted path shall be constructed and maintained inside the perimeter barrier to permit patrol by vehicle or foot.**

### **Response**

Exide proposes no change to the response submitted in the original application.

- G. Required entry facilities include the following:**

- 1. gate at each entry point equipped with secure locking device;**

### **Response**

All entrances are equipped with a locking device.

- 2. gate house for guard, or electromechanical equipment permitting controlled access; and**

### **Response**

The main gate is equipped with a guard house where guards are on duty on a continual basis.

- 3. floodlighting at each entry to insure a well-lighted, safe, and secure area at night.**

### **Response**

The gates at each entry have floodlights to provide for a well-lighted, safe and secure area at night.

- H. Emergency Response Facilities**

- a. Communications. An alarm system with controls accessible to each area of potential spill, explosion, or fire; telephone contact to each facility location; two-way radios for key personnel; and**

### **Response**

Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6.

- b. Fire Control. Portable fire extinguishers, decontamination facilities, fire control equipment at incinerators, mixing and treatment vats; and other fire-hazard facilities and fire hydrants (with capacity as required by state fire code) located not more than 200 feet from each fire-hazard facility.**

### **Response**

Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6.

#### **I. Safety Control Devices**

1. **Moving Equipment Barriers.** Steel or concrete posts or barriers capable of stopping trucks or other equipment used on the site (at maximum expected speed) shall be installed to protect all hazardous waste above-ground pipelines, valves, or other containers located adjacent to roadways.

### **Response**

This requirement is not applicable for the containment building. The containment building does not utilize hazardous waste above-ground pipelines, valves or containers located adjacent to roadways.

2. **Personnel Barriers.** Barriers shall be installed at all locations where employees or visitors normally come in contact with ponds, lagoons, incinerators, treatment facilities, and other high-hazard locations.

### **Response**

Exide provides no change to the original application.

#### **J. Exterior Lighting**

1. All personnel barriers shall be lighted; all vehicle barriers shall have reflectors.
2. Entry gates shall be lighted (see LAC 33:V.1507.G.3).
3. Perimeter barriers shall be lighted (see LAC 33:V.1507.B).

### **Response**

Exide proposes no change to the response submitted in the original application.

- K. **Signs.** A sign with the legend "Danger - Unauthorized Personnel Keep Out" must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion but in no case shall the spacing be greater than 200-foot intervals. The legend must be written in English and in any other language predominant in the area surrounding the facility, and must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger - Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

### **Response**

Signs are posted around the three container storage areas, the waste stabilization unit and the containment building. The signs read: "DANGER – HAZARDOUS WASTE AREA – UNAUTHORIZED PERSONNEL KEEP OUT."

## **§1509. General Inspection Requirements**

**A. The owner or operator must inspect his facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to:**

- 1. a release of hazardous waste; or**
- 2. a threat to human health.**

**The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.**

### **Response**

The updated inspection plan is included as Appendix 5 and includes the schedule for facility inspections including the containment building that are designed to detect any malfunction, deterioration, operator errors or discharges that may lead to a release in hazardous waste or a threat to human health.

**B. Schedule. LAC 33:V.517.G requires the inspection schedule to be submitted with Part II of the permit application. The administrative authority will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment.**

- 1. The owner or operator must develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.**
- 2. He must keep this schedule at the facility.**
- 3. The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).**
- 4. The frequency of inspection may vary for the items on the schedule. However, inspections should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the terms and frequencies called for in LAC 33:V.1709, 1719, 1721, 1731, 1753-1765, 1907, 1911, 2109, 2309, 2507, 2711, 2907, 3119, and 3205, where applicable.**

**[Comment: LAC 33:V.517.G requires the inspection schedule to be submitted with Part II of the permit application. The department will evaluate the schedule along with the rest of the application to ensure**

that it adequately protects human health and the environment. As part of this review, the department may modify or amend the schedule as may be necessary.]

**Response**

Please refer to Appendix 5 for the Inspection Schedule.

- C. The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals; a schedule must be set up to ensure that the problem does not lead to an environmental or human health hazard. When a hazard is imminent or has already occurred, remedial action must be taken immediately.**

**Response**

Exide will remedy any deterioration or malfunction of equipment or structures revealed in the inspection. If a hazard is imminent or has already occurred immediate remedial action will be taken. Otherwise, schedules to remedy the problem will be put into place to ensure that it does not become an environmental or human health hazard.

- D. The owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.**

**Response**

Exide will record inspections in an inspection log or summary and will retain these records for at least three years from the date of the inspection. The records will include the date and time of inspection, the inspector's name, any observations made and any repairs or remedial actions taken.

**§1511. Preparedness and Prevention**

- A. Applicability. The regulations in this Section apply to owners and operators of all hazardous waste facilities.**

**Response**

Exide understands and acknowledges that these regulations are applicable to this site.

- B. Design and Operation of a Facility. Facilities must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.**



### **Response**

The containment building at Exide has been designed, maintained and operated to maximize safety of personnel, minimize threats to public health and the environment and to preserve the value of the facilities and promote efficiency and effectiveness of their operation. Exide utilizes the best engineering designs and practices available, conforms to regulatory requirements and pays strict attention to employees' health and safety.

- C. Required Equipment. All facilities must be equipped with the following, unless it can be demonstrated to the administrative authority that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:**

- 1. an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;**

### **Response**

Exide proposes no changes to the response submitted in the original permit application.

- 2. a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;**

### **Response**

Exide proposes no changes to the response submitted in the original permit application.

- 3. portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and**

### **Response**

Exide proposes no changes to the response submitted in the original permit application.

- 4. water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.**

### **Response**

Exide proposes no changes to the response submitted in the original permit application.

- D. Testing and Maintenance of Equipment. All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.**

**Response**

Exide proposes no change to the response submitted in the original application.

**E. Access to Communications or Alarm System**

1. Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless it can be demonstrated to the administrative authority that such a device is not required.

**Response**

Exide proposes no change to the response submitted in the original application.

2. Anytime there is at least one employee on the premises while the facility is operating, he must have immediate access to a device such as a telephone, immediately available at the scene of operation, or a hand-held two-way radio, capable of summoning external emergency assistance, unless it can be demonstrated to the administrative authority that such a device is not required.

**Response**

Exide proposes no change to the response submitted in the original application.

- F. Required Aisle Space.** The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the administrative authority that aisle space is not needed for any of these purposes.

**Response**

Exide proposes no change to the response submitted in the original application.

**G. Arrangements with Local Authorities**

1. The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:
  - a. arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

- b. where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
  - c. agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and
  - d. arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.
- 2. Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

**Response**

Exide proposes no change to the response submitted in the original application.

**§1513. Contingency Plan and Emergency Procedures**

**A. Purpose and Implementation of Contingency Plan**

- 1. Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

**Response**

Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6.

- 2. A contingency plan to be implemented in the event of an emergency shall be filed with the administrative authority and, after approval, with the local fire and police departments (if any operate in the area), hospitals and emergency response teams operating in the area which are subject to call by the operator or the department.

**Response**

Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6.

- 3. The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

### **Response**

Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6.

4. **The plan shall be revised each time the facility operations are changed due to expansion, change in type or quantity of waste handled, or other changes which affect the degree or type of possible emergency situation.**

### **Response**

Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6.

## **B. Content of Contingency Plan**

1. **The contingency plan must describe the actions facility personnel must take to comply with LAC 33:V.1513.B and F in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.**

### **Response**

Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6.

2. **If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with these requirements.**

### **Response**

Exide maintains a SPCC Plan (Appendix 16). Exide has also prepared a separate RCRA Contingency Plan and Emergency Response Plan which meets the requirements specified in these regulations.

3. **The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services.**

### **Response**

Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6.

4. **The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. When more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. For new facilities, this information must be supplied to the administrative authority at the time of certification, rather than at the time of permit application.**

**Response**

Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6.

5. **The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.**

**Response**

Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6.

6. **The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.**

**Response**

Please refer to the RCRA Contingency Plan and Emergency Response Plan, Appendix 6.

**C. Copies of Contingency Plan**

1. **The contingency plan must be submitted to the administrative authority with the permit application and, after modification or approval, will become a condition of any permit issued.**

**Response**

The contingency plan is included as a part of this modification. See Appendix 6.

2. **A copy of the contingency plan and all revisions to the plan must be maintained at the facility and additional copies must be submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.**

**Response**

Exide will maintain a copy of the contingency plan and all revisions of the plan at the facility. Additional copies have been submitted to the local police departments, fire departments, hospitals, and state and local emergency response teams so that they may be called upon to provide emergency services.

**D. Amendment of Contingency Plan. The contingency plan must be reviewed, and immediately amended, if necessary, whenever:**

1. **the facility permit is revised;**

2. the plan fails in an emergency;
3. applicable regulations are revised;
4. the facility changes its design, construction, operation, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
5. the list of emergency coordinators changes; or
6. the list of emergency equipment changes.

**Response**

Exide acknowledges that if any of the above provisions occur, the contingency plan will be reviewed and immediately amended, if necessary.

- E. Emergency Coordinator.** At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures (see LAC 33:V.1513.F). This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

**Response**

Exide acknowledges the above requirement to have at least one employee either on the facility premises or on call. The emergency coordinator on call will be familiar with all aspects of the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. The coordinator will have the resources needed to carry out the contingency plan.

Please refer to Appendix 6 for further details.

**F. Emergency Procedures**

1. Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:
  - a. activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
  - b. notify appropriate state or local agencies with designated response roles if their help is needed.

**Response**

In an imminent or actual emergency situation, the coordinator will activate internal facility alarms or communications systems, where applicable. In

addition the emergency coordinator will notify all facility personnel when needed and notify the appropriate state or local agencies with designated response roles if their help is needed.

Please refer to Appendix 6 for further details.

- 2. Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He may do this by observation or review of facility records or manifest, and, if necessary, by chemical analysis.**

**Response**

In the event of a release, fire or explosion, the emergency coordinator will immediately identify the character, exact source, amount, and areal extent of any released materials which may be done by observation or review of facility records, manifest or chemical analysis.

Please refer to Appendix 6 for further details.

- 3. Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).**

**Response**

The emergency coordinator will assess possible hazards to human health or the environment as a result of the release, fire or explosion. This assessment will take into account the above provisions.

Please refer to Appendix 6 for further details.

- 4. If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:**
  - a. if his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and**
  - b. he must immediately notify the state official designated as the on-scene coordinator for that geographical area and provide:**
    - i. name and telephone number of reporter;**
    - ii. name and address of facility;**
    - iii. time and type of incident (e.g., release, fire);**

- iv. **name and quantity of material(s) involved, to the extent known;**
- v. **the extent of injuries, if any; and**
- vi. **the possible hazards to human health or the environment, outside the facility.**

**Response**

In the event that a release, fire or explosion has occurred that could threaten human health or the environment outside the facility, a report detailing the findings will follow the requirements in this citation.

Please refer to Appendix 6 for further details.

- 5. **During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.**

**Response**

During an emergency, the emergency coordinator will take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures include stopping processes or operations, collecting and containing released waste, and removing or isolating containers, when applicable.

Please refer to Appendix 6 for further details.

- 6. **If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.**

**Response**

In the event that the facility stops operation due to a fire, explosion, or release, the emergency coordinator will monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

- 7. **Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil, or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the owner or operator can demonstrate that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements.**



### **Response**

Immediately after an emergency, the emergency coordinator will provide for treating, storing, or disposing of recovered waste, contaminated soil, or surface water, or any other material that results from a release, fire, or explosion at the facility. Exide understands that unless the owner or operator can demonstrate that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements.

- 8. The emergency coordinator must ensure that in the affected area(s) of the facility:**
  - a. no waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and**
  - b. all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.**

### **Response**

Exide understands and will abide by the above provisions.

Please refer to Appendix 6 for further details.

- 9. The owner or operator must notify the administrative authority and appropriate state and local authorities that the facility is in compliance with LAC 33:V.1513.F.8 before operations are resumed in the affected area(s) of the facility.**

### **Response**

Exide will notify the administrative authority and appropriate state and local authorities that the facility is in compliance with LAC 33:V.1513.F.8 before operations are resumed in the affected area(s) of the facility.

- 10. The owner or operator must note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the administrative authority which includes:**
  - a. name, address, and telephone number of the owner or operator;**
  - b. name, address, and telephone number of the facility;**
  - c. date, time, and type of incident (e.g., fire, explosion);**
  - d. name and quantity of material(s) involved;**
  - e. the extent of injuries, if any;**
  - f. an assessment of actual or potential hazards to human health or the environment, where this is applicable; and**
  - g. estimated quantity and disposition of recovered material that resulted from the incident.**

**Response**

Exide will note the time, date, and details of any incident requiring implementation of the contingency plan in the operating record. Within 15 days after the incident, a written report on the incident will be submitted including the above provisions.

Please refer to Appendix 6 for further details.

**§1515. Personnel Training**

**A. Instruction Program**

1. Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Section. The owner or operator must ensure that this program includes all the elements described in the document required in LAC 33:V.1515.D.3.

**Response**

A copy of the current employee Training Manual is enclosed as Appendix 8.

2. This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

**Response**

A copy of the current employee Training Manual is enclosed as Appendix 8.

3. At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including, where applicable:
  - a. procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
  - b. key parameters for automatic waste feed cut-off systems;
  - c. communications or alarm systems;
  - d. response to fires or explosions;
  - e. response to groundwater contamination incidents; and
  - f. shutdown of operations.

**Response**

A copy of the current employee Training Manual is enclosed as Appendix 8.

4. The facility operator shall conduct training sessions to be held at regular intervals for personnel in routine plant operation and also to inform and train the plant contingency team, representatives of local fire and police departments, and emergency response teams of plant layout, location of possible hazards, emergency equipment location and operation, the evacuation plan and route, power and waste stream cut-offs, communications equipment and phone numbers of all required contacts, and other critical information and procedures.

**Response**

Exide conducts training sessions at regular intervals for personnel in routine plant operation and also to inform and train the plant contingency team, representatives of local fire and police departments. The training sessions also inform personnel and emergency response teams of plant layout, location of possible hazards, emergency equipment location and operation, the evacuation plan and route, power and waste stream cut-offs, communications equipment and phone numbers of all required contacts, and other critical information and procedures.

- B. Facility personnel must successfully complete the program required in LAC 33:V.1515.A within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements in LAC 33:V.1515.A.

**Response**

Facility personnel will complete the program required in LAC 33:V.1515.A within six months of the date of their employment. Employees hired after the effective date of these regulations will not work in unsupervised positions until they have completed the training requirements in LAC 33:V.1515.A.

- C. Facility personnel must take part in an annual review of the initial training required in LAC 33:V.1515.A.

**Response**

Personnel will take part in an annual review of the initial training.

See Appendix 8 for further details.

- D. The owner or operator must maintain the following documents and records at the facility:

1. the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;
2. a written job description for each position listed in LAC 33:V.1515.D.1. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite

**skill, education, or other qualifications and duties of employees assigned to each position;**

- 3. a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed in LAC 33:V.1515.D.1; and**
- 4. records documenting that the training or job experience required under LAC 33:V.1515.A, B, and C have been given to, and completed by, facility personnel.**

**Response**

Exide maintains the documents and records listed below at the facility:

- 1. the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;**
  - 2. a written job description for each position listed in LAC 33:V.1515.D.1. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications and duties of employees assigned to each position;**
  - 3. a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed in LAC 33:V.1515.D.1; and**
  - 4. records documenting that the training or job experience required under LAC 33:V.1515.A, B, and C have been given to, and completed by, facility personnel.**
- E. Training records on current personnel must be kept until closure of the facility; training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.**

**Response**

Training records on current personnel are kept until closure of the facility. Training records for former employees will be kept for at least three years from the date the employee last worked at the facility.

**§1517. General Requirements for Ignitable, Reactive, or Incompatible Wastes**

- A. The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the**

owner or operator must restrict smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

- B. The owner or operator of a facility that treats, stores, or disposes of ignitable or reactive waste, or mixes incompatible waste or incompatible wastes and other materials, must take precautions to prevent reactions which:**

- 1. generate extreme heat or pressure, fire or explosions, or violent reactions;**
- 2. produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;**
- 3. produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;**
- 4. damage the structural integrity of the device or facility; and**
- 5. through other like means threaten human health or the environment.**

**Response**

Exide's acceptance procedures and sampling program are described in the revised Waste Analysis Plan, Appendix 4.

Exide is a secondary lead smelter of lead-bearing materials and does not receive ignitable, reactive, or incompatible wastes that would generate toxic fumes, dusts, or gasses in sufficient quantity to threaten human health and the environment.

- C. In landfills and burial sites, incompatible wastes shall be adequately separated to avoid mixing of the wastes during operation or after closure.**

**Response**

Incompatible materials are not disposed in the on-site landfill which is for non-hazardous stabilized slag, only.

- D. Treatment and storage facilities containing ignitable, reactive, or incompatible wastes shall be sufficiently separated or protected to prevent mixing, ignition, or reaction as a result of a spill, tank failure, or other cause. Protection shall include use of container materials compatible with the wastes contained therein.**

**Response**

Exide proposes no change to the response submitted in this section. The Waste Analysis Plan has been revised and is submitted in Appendix 4 of this document.

- E. Any container, including tank trucks, used to transport waste shall be cleaned before leaving the disposal site. Such cleaning should be by a method or methods necessary to remove the hazardous constituents to a level which will not cause an incompatibility with any subsequent**

shipment and/or of itself render any future load hazardous. All material resulting from such cleaning shall be considered a hazardous waste unless otherwise approved by the administrative authority.

**Response**

Exide proposes no change to the response submitted in this section. The Waste Analysis Plan has been revised and is submitted in Appendix 4 of this document.

- F. When required to comply with LAC 33:V.1517.A and B, the owner or operator must document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

**Response**

Exide proposes no change to the response submitted in this section. The Waste Analysis Plan has been revised and is submitted in Appendix 4 of this document.

**§1519. General Waste Analysis**

**A. Hazardous Waste Chemical and Physical Analysis**

1. Before an owner or operator treats, stores, or disposes of any hazardous waste, or non-hazardous wastes if applicable under LAC 33:V.3513.D, he or she must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with all requirements of LAC 33:V.Chapters 15 and 22.

**Response**

Exide proposes no change to the response submitted in this section. The Waste Analysis Plan has been revised and is submitted in Appendix 4 of this document.

2. The analysis may include data developed under LAC 33:V.Chapter 49 and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.

[Comment: For example, the facility's records of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with Subsection A.1 of this Section. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part of the information required by Subsection A.1 of this Section, except as otherwise specified in LAC 33:V.2247.A and A.1. If the generator

**does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.]**

**Response**

Exide proposes no change to the response submitted in this section. The Waste Analysis Plan has been revised and is submitted in Appendix 4 of this document.

**3. The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:**

- a. when the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste or nonhazardous waste if applicable under LAC 33:V.3513.D, has changed; and**
- b. for off-site facilities, when the results of the inspection required in LAC 33:V.1519.A.4 indicate that the hazardous waste received at the facility does not match the waste designated in the accompanying manifest or shipping paper.**

**Response**

Exide proposes no change to the response submitted in this section. The Waste Analysis Plan has been revised and is submitted in Appendix 4 of this document.

**4. The owner or operator of an off-site facility must inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.**

**Response**

Exide proposes no change to the response submitted in this section. The Waste Analysis Plan has been revised and is submitted in Appendix 4 of this document.

**B. The owner or operator must develop and follow a written waste analysis plan that describes the procedures that he or she will carry out to comply with LAC 33:V.1519.A. He or she must keep this plan at the facility. At a minimum, the plan must specify:**

**Response**

Exide proposes no change to the response submitted in this section. The Waste Analysis Plan has been revised and is submitted in Appendix 4 of this document.

- 1. the parameters for which each hazardous waste, or non-hazardous waste if applicable under LAC 33:V.3513.D, will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for**

these parameters will provide sufficient information on the waste's properties to comply with LAC 33:V.1519.A);

2. the test methods as specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 as incorporated by reference at LAC 33:V.110, or an equivalent method approved by the administrative authority, which will be used to test for these parameters; and
3. the sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using a method approved by the administrative authority;  
[Comment: See LAC 33:V.105.I for related discussion.]
4. the plan must further specify the frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date;
5. the Quality Assurance and Quality Control (QA/QC) procedures used to ensure the waste sampling and analysis are satisfactory.
6. the plan must further specify for off-site facilities the waste analyses that hazardous waste generators have agreed to supply; and
7. where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in LAC 33:V.1517, 1711.D, 1741.D, 1753, 2515, 3107, and 2245;

#### **Response**

Exide proposes no change to the response submitted in this section. The Waste Analysis Plan has been revised and is submitted in Appendix 4 of this document.

8. for surface impoundments exempted from land disposal prohibitions under LAC 33:V.2237, the procedures and schedules for:
  - a. the sampling of impoundment contents,
  - b. the analysis of test data, and
  - c. the annual removal of residues which are not delisted under LAC 33:V.105.M or which exhibit a characteristic of hazardous waste and either:
    - i. do not meet applicable treatment standards of LAC 33:V.Chapter 22.Subchapters A and B, or
    - ii. where no treatment standards have been established
      - (a). such residues are prohibited from land disposal under LAC 33:V.2213, or
      - (b). such residues are prohibited from land disposal under LAC 33:V.2215; and



**Response**

Exide does not operate a surface impoundment. Therefore, this requirement is not applicable.

**9. for owners and operators seeking an exemption to the air emission standards of LAC 33:V.Chapter 17. Subchapter C in accordance with LAC 33:V.1751:**

- a. if direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption; or**
- b. if knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.**

**Response**

Exide is not seeking an exemption under LAC 33:V.Chapter 17. Subchapter C; therefore, this provision does not apply.

**C. For off-site facilities, the required waste analysis plan must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:**

- 1. the procedures which will be used to determine the identity of each movement of waste managed at the facility; and**
- 2. the sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; (LAC 33:V.517.C requires that the waste analysis plan be submitted with Part II of the permit application.)**
- 3. the procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.**

**Response**

Exide proposes no change to the response submitted in the original application. Please reference the Revised Waste Analysis Plan in Appendix 4.

**D. Certification. All waste analysis plans must be certified by a Louisiana licensed professional engineer (PE).**

**Response**

A copy of the certified Waste Analysis Plan can be found in Appendix 4.

**§1521. Chemical, Physical, and Biological Treatment Facilities (Wastes Only)**

In addition to the requirements listed below, a permit application shall address the technical requirements in LAC 33:V.Chapters 15, 19, 21, 29, 33, 35, and 37.

- A. Below-surface basins are governed by LAC 33:V.2903.A.**
- B. Above-ground and mixing and other facilities in basins shall be certified by the designing engineer or manufacturer.**
- C. Treatment techniques shall include proper chemical analysis or data collecting such as is necessary to determine compatibility with existing treatment facilities, prevention of the release of toxic gases, and provisions for bacterial control and for safety of operating personnel.**
- D. Pilot or bench-scale tests or reliable operating data must be obtained for any new or altered hazardous waste prior to introduction into an existing or new treatment sequence.**
- E. Storage and handling procedures insuring protection of human health and the environment must be observed for all treatment chemicals or reagents.**
- F. Proper design and operation of all equipment must be maintained to insure minimum spillage, foaming, or misting.**
- G. Reserve emergency storage must be maintained for critical process areas to insure against operational mishaps and inadvertent volumetric surges.**
- H. Flow safeguards and cut-offs must be included in the flow system to avoid improper operation, overflow, or treatment defects.**
- I. Residual sludges or by-products shall be analyzed before disposition within the treatment sequence.**
- J. An air monitoring system is required under LAC 33:V.3305.E.**

**Response**

Exide does not utilize chemical, physical, or biological treatment facilities, therefore these regulations do not apply.

**§1523. Surveillance and Monitoring**

- A. Primary responsibility for the proper handling of hazardous wastes is assumed by the industry operating under these rules and regulations and cooperating with the department in meeting the purposes of the Act. As part of this responsibility, the owner or operator of any treatment, storage, or disposal facility shall develop a schedule of routine facility inspections and shall keep a log or record of all**

inspections carried out thereunder. The owner or operator shall likewise develop and adhere to a waste analysis plan to be approved by the department.

**Response**

Exide proposes no change to the response submitted in the original application. The revised Inspection Plan and Schedule is included as Appendix 5.

**B. Department surveillance and monitoring includes the following:**

- 1. analysis of manifests and manifest reports to determine that all wastes generated are disposed of in permitted sites and that the proper disposal method has been used;**
- 2. periodic inspections required by the permit maintenance program to insure that facilities treating, storing, and disposing of hazardous wastes are operated in conformity with the terms of the permit and these rules and regulations;**
- 3. spot inspections and sampling by the traveling laboratory and the analytical and inspection team;**
- 4. a systematic program to conduct or to require investigations and recording of the groundwater, leachate, and air monitoring systems;**
- 5. response to citizen complaints and suggestions concerning operation of the system; and**
- 6. such other procedures as may be deemed necessary by the administrative authority.**

**Response**

Exide proposes no change to the response submitted in the original application.

**C. Violations discovered through such surveillance and monitoring shall be the subject of enforcement actions pursuant to LAC 33:V.107 of these regulations.**

**Response**

Exide proposes no change to the response submitted in the original application.

**§1525. Emergency Response**

- A. Purpose. To provide for control and clean-up of accidental spills and other emergency situations involving hazardous wastes resulting from a violation of a requirement of these regulations or the Act.**

**Response**

Exide proposes no change to the response submitted in the original application.

**B. Program.** The department, working with the Department of Public Safety, will establish the following program:

- 1. emergency response equipment and teams located in strategic locations;**
- 2. emergency response plan involving a communication system, cooperation with local police and fire departments, training program based, as a minimum, on the "emergency information card," and an operations plan for each class of emergency situation; and**
- 3. the Emergency Response Program will respond to all in-transit accidents and spills, and respond to on-site emergencies when called by the operator or in accordance with provisions of LAC 33:V.1513.F.**

**Response**

Exide proposes no change to the response submitted in the original application.

**§1527. Receiving and Monitoring Incoming Waste**

**A. Each site which treats, stores, or disposes of hazardous wastes generated off site shall be equipped to accomplish the following:**

- 1. provide control of all incoming waste to prevent entry of unrecorded and unanalyzed hazardous waste; and**
- 2. measure quantity and type by taking and analyzing a representative sample of waste received to verify the information on the manifest, and to determine proper method for handling and disposal.**

**Response**

Exide proposes no change to the response submitted in the original application. Please reference the revised Waste Analysis Plan, Appendix 4.

**B. Each facility within the site which receives hazardous wastes shall be equipped with necessary devices to record quantities, by classification or other identification, of hazardous wastes deposited into the facility system.**

**Response**

Exide proposes no change to the response submitted in the original application. Please reference the revised Waste Analysis Plan, Appendix 4.

**C. Each site shall be equipped with a central control and recordkeeping system which tabulates information from LAC 33:V.1527.A.2 and B.**

**Response**

Exide proposes no change to the response submitted in the original application. Please reference the revised Waste Analysis Plan, Appendix 4.

**D. Onsite Transfer Systems**

- 1. All docking, mooring, loading, and unloading facilities for a hazardous waste treatment, storage, or disposal facility are considered part of the facility operation.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 2. Hose couplings for truck, barge, or pipeline discharge shall be located within a natural or created containment, with an elevation above surface elevation sufficient to contain a 10-minute discharge. Groundwater protection shall be provided.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 3. Hose couplings on a barge shall be in a containment area on the barge to prevent leakage from entering the waterway.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 4. Hoses from a barge to the facility shall be supported by a land-based boom so that the low point of the hose is within the barge or site containment area.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 5. Barge moorings shall be in a slack water area outside the navigation channel.**

**Response**

Exide proposes no change to the response submitted in the original application.

- E. Receiving Waste from an Offsite Source. The owner or operator of a facility that receives hazardous waste from an off site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.**

**Response**

Exide proposes no change to the response submitted in the original application.

- F. Unmanifested Waste Reports.** Any wastes presented for disposal that are not accompanied by a properly completed manifest shall be rejected. The TSD operator shall note the name of the driver, hauler, and the vehicle identification numbers. He shall notify the administrative authority by phone immediately and in writing within seven days of the refusal to accept the waste and provide the administrative authority with the required information.

**Response**

Exide proposes no change to the response submitted in the original application.

**§1529. Operating Record and Reporting Requirements**

- A. The owner or operator must keep a written operating record at his facility.**

**Response**

Exide proposes no change to the response submitted in the original application.

- B. Records of each hazardous waste received, treated, stored, or disposed of at the facility must be recorded in the following manner, as they become available, and maintained in the operating record until closure of the facility.**

- 1. A description by its common name and the EPA hazardous waste number(s) (LAC 33:V.Chapter 49) which apply to the waste and the quantity of the waste received. The waste description also must include the waste's physical form, i.e., liquid, sludge, solid, or contained gas. If the waste is not listed in LAC 33:V.Chapter 49, the description also must include the process that produced it.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 2. Each hazardous waste listed in LAC 33:V.109, and each hazardous waste characteristic defined in LAC 33:V.105.B has a four-digit EPA hazardous waste number assigned to it. This number must be used for recordkeeping and reporting purposes. Where a hazardous waste contains more than one listed hazardous waste, or where more than one hazardous waste characteristic applies to the waste, the waste description must include all applicable EPA hazardous waste numbers.**

**Response**

Exide proposes no change to the response submitted in the original application.

3. Record the estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in Table 1.

Table 1. Units For Reporting	
Units of Measure	Code <sup>1</sup>
Gallons	G
Gallons per hour	E
Gallons per Day	U
Liters	L
Liters per Hour	H
Liters per Day	V
Short Tons per Hour	D
Metric Tons per Hour	W
Short Tons per Day	N
Metric Tons per Day	S
Pounds per Hour	J
Kilograms per Hour	R
Cubic Yards	Y
Cubic Meters	C
Acres	B
Acre-feet	A
Hectares	Q
Hectare-meter	F
Btu's per Hour	I
<sup>1</sup> Single digit symbols are used here for data processing purposes.	

**Response**

Exide proposes no change to the response submitted in the original application.

4. The method(s) (by handling code(s) as specified in Table 2) and date(s) of treatment, storage, or disposal.

<b>Table 2. Handling Codes for Treatment, Storage, and Disposal Methods</b>
<b>Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of hazardous waste received.</b>
<b>Storage</b>
<b>S01 Container (barrel, drum, etc.)</b>
<b>S02 Tank</b>
<b>S03 Waste Pile</b>
<b>S04 Surface Impoundment</b>
<b>S05 Drip Pad</b>
<b>S06 Containment Building (Storage)</b>
<b>S99 Other Storage (specify)</b>
<b>Treatment</b>
<b>Thermal Treatment</b>
<b>T06 Liquid injection incinerator</b>
<b>T07 Rotary kiln incinerator</b>
<b>T08 Fluidized bed incinerator</b>
<b>T09 Multiple hearth incinerator</b>
<b>T10 Infrared furnace incinerator</b>
<b>T11 Molten salt destructor</b>
<b>T12 Pyrolysis</b>
<b>T13 Wet air oxidation</b>
<b>T14 Calcination</b>
<b>T15 Microwave discharge</b>
<b>T18 Other (specify)</b>
<b>Chemical Treatment</b>
<b>T19 Absorption mound</b>
<b>T20 Absorption field</b>
<b>T21 Chemical fixation</b>
<b>T22 Chemical oxidation</b>
<b>T23 Chemical precipitation</b>
<b>T24 Chemical reduction</b>
<b>T25 Chlorination</b>
<b>T26 Chlorinolysis</b>
<b>T27 Cyanide destruction</b>



<b>T28 Degradation</b>
<b>T29 Detoxification</b>
<b>T30 Ion exchange</b>
<b>T31 Neutralization</b>
<b>T32 Ozonation</b>
<b>T33 Photolysis</b>
<b>T34 Other (specify)</b>
<b>Physical Treatment</b>
<b>Separation of Components:</b>
<b>T35 Centrifugation</b>
<b>T36 Clarification</b>
<b>T37 Coagulation</b>
<b>T38 Decanting</b>
<b>T39 Encapsulation</b>
<b>T40 Filtration</b>
<b>T41 Flocculation</b>
<b>T42 Flotation</b>
<b>T43 Foaming</b>
<b>T44 Sedimentation</b>
<b>T45 Thickening</b>
<b>T46 Ultrafiltration</b>
<b>T47 Other (specify)</b>
<b>Removal of Specific Components:</b>
<b>T48 Absorption-molecular sieve</b>
<b>T49 Activated carbon</b>
<b>T50 Blending</b>
<b>T51 Catalysis</b>
<b>T52 Crystallization</b>
<b>T53 Dialysis</b>
<b>T54 Distillation</b>
<b>T55 Electrodialysis</b>
<b>T56 Electrolysis</b>
<b>T57 Evaporation</b>
<b>T58 High gradient magnetic separation</b>
<b>T59 Leaching</b>
<b>T60 Liquid ion exchange</b>
<b>T61 Liquid-liquid extraction</b>
<b>T62 Reverse osmosis</b>

<b>T63 Solvent recovery</b>
<b>T64 Stripping</b>
<b>T65 Sand filter</b>
<b>T66 Other (specify)</b>
<b>Biological Treatment</b>
<b>T67 Activated sludge</b>
<b>T68 Aerobic lagoon</b>
<b>T69 Aerobic tank</b>
<b>T70 Anaerobic tank</b>
<b>T71 Composting</b>
<b>T72 Septic tank</b>
<b>T73 Spray irrigation</b>
<b>T74 Thickening filter</b>
<b>T75 Tricking filter</b>
<b>T76 Waste stabilization pond</b>
<b>T77 Other (specify)</b>
<b>T78 [Reserved]</b>
<b>T79 [Reserved]</b>
<b>Boilers and Industrial Furnaces</b>
<b>T80 Boiler</b>
<b>T81 Cement Kiln</b>
<b>T82 Lime Kiln</b>
<b>T83 Aggregate Kiln</b>
<b>T84 Phosphate Kiln</b>
<b>T85 Coke Oven</b>
<b>T86 Blast Furnace</b>
<b>T87 Smelting, Melting, or Refining Furnace</b>
<b>T88 Titanium Dioxide Chloride Process Oxidation Reactor</b>
<b>T89 Methane Reforming Furnace</b>
<b>T90 Pulping Liquor Recovery Furnace</b>
<b>T91 Combustion Device Used in the Recovery of Sulfur Values from Spent Sulfuric Acid</b>
<b>T92 Halogen Acid Furnaces</b>
<b>T93 Other Industrial Furnaces Listed in LAC 33:V.109 (specify)</b>

<b>Other Treatment</b>
<b>T94 Containment Building (Treatment)</b>
<b>Disposal</b>
<b>D79 Underground Injection</b>
<b>D80 Landfill</b>
<b>D81 Land Treatment</b>
<b>D82 Ocean Disposal</b>
<b>D83 Surface Impoundment (to be closed as a landfill)</b>
<b>D99 Other Disposal (specify)</b>
<b>Miscellaneous (Chapter 32)</b>
<b>X01 Open Burning/Open Detonation</b>
<b>X02 Mechanical Processing</b>
<b>X03 Thermal Unit</b>
<b>X04 Geologic Repository</b>
<b>X99 Other Chapter 32 (specify)</b>

**Response**

Exide proposes no change to the response submitted in the original application.

5. The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest.

**Response**

Exide proposes no change to the response submitted in the original application.

6. Records and results of waste analyses and waste determinations performed as specified in these regulations and in LAC 33:V.1517, 1519, 1711, 1741, 1753, 2237.A, 2245, 2515, and 3107.

**Response**

Exide proposes no change to the response submitted in the original application.

7. Summary reports and details of all incidents that require implementing the contingency plan.

**Response**

Exide proposes no change to the response submitted in the original application.

**8. Records and results of inspections required by LAC 33:V.1509.D.**

**Response**

Exide proposes no change to the response submitted in the original application.

**9. Monitoring, testing, or analytical data, and corrective action where required by LAC 33:V.1504, 1711.C–F, 1713, 1741.D–I, 1743, 1751–1767, 1903, 1907, 1911, 2304, 2306, 2309, 2504, 2507, 2508, 2509, 2709, 2711, 2719, 2904, 2906, 2907, 3119, 3203, 3205, and Chapter 33, as well as corrective action cites.**

**Response**

Exide proposes no change to the response submitted in the original application.

**10. For off-site facilities, notices to generators that the TSD facility has the appropriate permits for and will accept the waste the generator is shipping.**

**Response**

Exide proposes no change to the response submitted in the original application.

**11. All closure cost estimates and, for disposal facilities, all post-closure cost estimates.**

**Response**

Exide proposes no change to the response submitted in the original application.

**12. Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal prohibition granted in accordance with LAC 33:V.2239, a petition approved in accordance with LAC 33:V.2241 or 2271, a determination made under LAC 33:V.2273, or a certification under LAC 33:V.2235 and the applicable notice required by a generator under LAC 33:V.2245.**

**Response**

Exide proposes no change to the response submitted in the original application.

**13. For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 14. For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 15. For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under LAC 33:V.2235, 2245, or 2247, whichever is applicable.**

**Response**

This section is not applicable. Exide does not operate off-site land disposal facilities.

- 16. For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under LAC 33:V.2245 or LAC 33:V.2247, except for the manifest number, and the certification and demonstration, if applicable, required under LAC 33:V.2235, whichever is applicable.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 17. For an off-site storage facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247; and**

**Response**

Exide proposes no change to the response submitted in the original application.

- 18. For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 19. A certification by the permittee no less often than annually, that the permittee has a program in place to reduce the volume and toxicity**

of hazardous waste that he generates to the degree determined by the permittee to be economically practicable; and the proposed method of treatment, storage or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment.

**Response**

Exide currently performs an annual certification that demonstrates a program is in place to reduce the volume and toxicity of the hazardous waste that is generated at the facility. This certification states the method of treatment, storage and disposal serves to minimize the present and future threat to human health and the environment. A copy of this latest certification is included as Appendix 17, Waste Minimization Certification.

**20. Any records required under LAC 33:V.1501.H.13.**

**Response**

Exide acknowledges and understands this provision; however, Exide is not a remediation waste management site and therefore this section does not apply.

**C. Availability, Retention, and Disposition of Records**

- 1. All records, including plans, required under this Part must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representatives who are duly designated by the administrative authority.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 2. The retention period for all records required under this Section is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the administrative authority.**

**Response**

Exide proposes no change to the response submitted in the original application.

- 3. A copy of records of waste disposal locations and quantities must be submitted to the administrative authority and local land authority upon closure of the facility.**

**Response**

Exide proposes no change to the response submitted in the original application.

- D. Annual Report. The owner or operator must prepare and submit a single copy of an annual report to the administrative authority by March 1 of each year. The report form must be used for this report. The annual**

report must cover facility activities during the previous calendar year. Information submitted on a more frequent basis may be included by reference or in synopsis form where it is not pertinent to reporting under LAC 33:V.Chapter 9 or monitoring reporting under LAC 33:V.3317. It must include the following information:

1. the EPA identification number, name, and address of the facility;
2. the calendar year covered by the report;
3. for off-site facilities, the EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;
4. a description and the quantity of each hazardous waste the facility received during the year. For off-site facilities, this information must be listed by EPA identification number of each generator;
5. the method of treatment, storage, or disposal for each hazardous waste;
6. the most recent closure cost estimate under LAC 33:V.3705, and, for disposal facilities, the most recent post-closure cost estimate under LAC 33:V.3709;
7. the certification signed by the owner or operator of the facility or his authorized representative; and
8. monitoring data where required;

**Response**

Exide proposes no change to the response submitted in the original application.

9. for generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;

**Response**

Exide acknowledges, understands and will comply with the above requirements.

10. for generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984.

**Response**

Exide acknowledges, understands and will comply with the above requirements.

**E. Additional Reports.** In addition to submitting the annual reports and unmanifested waste reports described in LAC 33:V.1529.D and 909, the owner or operator must also report to the administrative authority:

- 1. releases, fires, and explosions as specified in LAC 33:V.1513.F.10;**
- 2. facility closures as specified in LAC 33:V.Chapter 35; and**
- 3. as otherwise required by LAC 33:V.Chapters 17, 23, 25, 27, 29, and 33.**

**Response**

Exide proposes no change to the response submitted in the original application.

**§1531. Required Notices**

**A. The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the administrative authority in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.**

**Response**

Exide acknowledges this provision; however, Exide does not receive hazardous waste from foreign sources.

**B. The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to LAC 33:V.Chapter 11.Subchapter B must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.**

**Response**

Exide acknowledges this provision; however, Exide does not receive hazardous waste from transfrontier shipments.

**C. The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.**

**Response**

Exide acknowledges and will adhere to this provision.



- D. Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of LAC 33:V.Subpart 1.**

**Response**

Exide acknowledges and will adhere to this provision.

- E. An owner's or operator's failure to notify the new owner or operator of the requirements in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.**

**Response**

Exide acknowledges and will adhere to this provision.

**§1533. Relationship to Interim Status Standards**

**A facility owner or operator who has fully complied with the requirements for interim status, as defined in section 3005(e) of RCRA and regulations under LAC 33:V.4301, must comply with the regulations specified in LAC 33:V.Chapter 43 in lieu of the regulations in this Chapter, until final administrative disposition of his permit application is made, except as provided under LAC 33:V.Chapter 26.**

**[Comment: As stated in section 3005(a) of RCRA, after the effective date of regulations under that section, i.e., LAC 33:V.Chapters 3, 5, and 7, the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's or operator's permit application is made.]**

**Response**

Exide acknowledges and will adhere to this provision.

**§1535. Imminent Hazard Action**

**Notwithstanding any other provisions of these regulations, enforcement actions may be brought in accordance with R.S. 30:2050.8.**

**Response**

Exide acknowledges and will adhere to this provision.

## **CHAPTER 17**

### **AIR EMISSION STANDARDS**

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality – Hazardous Waste**

**Chapter 17. Air Emission Standards**

**§1701. Applicability**

The regulations in this Chapter apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in LAC 33:V.1501 and 1705).

**Response**

Exide treats and stores hazardous wastes; therefore, the requirements of this chapter are applicable.

**§1703. Definitions**

As used in this Chapter, all terms not defined herein shall have the meanings given them in LAC 33:V.109.

**Air Stripping Operation**—a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers, and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

**Average Volatile Organic Concentration or Average VO Concentration**—the mass-weighted average volatile organic concentration of a hazardous waste as determined in accordance with the requirements of LAC 33:V.4727.

**Bottoms Receiver**—a container or tank used to receive and collect the heavier bottoms fractions of the distillation feedstream that remain in the liquid phase.

**Closed-Vent System**—a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

**Closure Device**—a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover such that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

**Condenser**—a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

**Connector**—flanged, screwed, welded, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, connector means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

**Continuous Recorder**—a data-recording device recording instantaneous data values at least every 15 minutes, or more frequently if reasonably available technology exists which will achieve increased recording frequency.

**Continuous Seal**—a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

**Control Device**—an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

**Control Device Shutdown**—the cessation of operation of a control device for any purpose.

**Cover**—a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air pollutant emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, gauge wells) that are necessary for operation, inspection, maintenance, and repair of the unit on which the cover is used. A cover may be a separate piece of equipment which can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

**Distillate Receiver**—a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

**Distillation Operation**—an operation, either batch or continuous, separating one or more feedstream(s) into two or more exit streams, each exit stream having component concentrations different from those in the feedstream(s). The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

**Double Block and Bleed System**—two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

**Enclosure**—a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

**Equipment**—each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, flange, or other connector and any control devices or systems required by this Chapter.

**External Floating Roof**—a pontoon-type or double-deck type cover that rests on the surface of the material managed in a tank with no fixed roof.

**First Attempt at Repair**—to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

**Fixed Roof**—a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

**Flame Zone**—the portion of the combustion chamber in a boiler occupied by the flame envelope.

**Floating Membrane Cover**—a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

**Floating Roof**—a cover consisting of a double deck, pontoon single deck, or internal floating cover which rests upon and is supported by the material being contained, and is equipped with a continuous seal.

**Flow Indicator**—a device that indicates whether gas flow is present in a vent stream.

**Fractionation Operation**—a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

**Hard-Piping**—pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

**Hazardous Waste Management Unit Shutdown**—a work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit for less than 24 hours or a scheduled, routine work practice such as cessation of operation on a holiday or weekend is not a hazardous waste management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous waste management unit shutdowns.

**Hot Well**—a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

**In Gas/Vapor Service**—a piece of equipment that contains or contacts a hazardous waste stream that is in the gaseous state at operating conditions.

**In Heavy Liquid Service**—a piece of equipment that is not in gas/vapor service or in light liquid service.

**In Light Liquid Service**—a piece of equipment that contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20°C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

**In Light Material Service**—the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20°C; and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight.

**In Situ Sampling Systems**—nonextractive samplers or in-line samplers.

**In Vacuum Service**—equipment operating at an internal pressure that is at least 5 kPa below ambient pressure.

**Internal Floating Roof**—a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

**Liquid-Mounted Seal**—a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof continuously around the circumference of the tank.

**Malfunction**—any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

**Maximum Organic Vapor Pressure**—the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (e.g., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of this Chapter, maximum organic vapor pressure is determined using the procedures specified in LAC 33:V.4727.

**Metallic Shoe Seal**—a continuous seal that is constructed of metal sheets which are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

**No Detectable Organic Emissions**—no escape of organics to the atmosphere as determined using the procedure specified in LAC 33:V.4727.

**Open-Ended Valve or Line**—any valve, except pressure relief valves, having one side of the valve seat in contact with hazardous waste and one side open to the atmosphere, either directly or through open piping.

**Point of Waste Origination**—as follows:

- a. when the facility owner or operator is the generator of the hazardous waste, the point of waste origination means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste as defined in LAC 33:V.109; or

[Note: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the Clean Air Act in 40 CFR parts 60, 61, and 63].

- b. when the facility owner and operator are not the generator of the hazardous waste, point of waste origination means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

**Point of Waste Treatment**—the point where a hazardous waste to be treated in accordance with LAC 33:V.4725 exits the treatment process. Any waste determination shall be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

**Pressure Release**—the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

**Process Heater**—a device that transfers heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

**Process Vent**—any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

**Repaired**—equipment is adjusted, or otherwise altered, to eliminate a leak.

**Safety Device**—a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device, which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Chapter, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

**Sampling Connection System**—an assembly of equipment within a process or waste management unit used during periods of representative operation to take samples of the process or waste fluid. Equipment used to take non-routine grab samples is not considered a sampling connection system.

**Sensor**—a device that measures a physical quantity or the change in a physical quantity such as temperature, pressure, flow rate, pH, or liquid level.

**Separator Tank**—a device used for separation of two immiscible liquids.

**Single-Seal System**—a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

**Solvent Extraction Operation**—an operation or method of separation in which a solid or solution is contacted with a liquid solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

**Start-Up**—the setting in operation of a hazardous waste management unit or control device for any purpose.

**Steam Stripping Operation**—a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly into the charge.

**Surge Control Tank**—a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

**Thin-Film Evaporation Operation**—a distillation operation that employs a heating surface consisting of a large-diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

**Vapor Incinerator**—any enclosed combustion device that is used for destroying organic compound vapors and does not extract energy in the form of steam or process heat.

**Vapor-Mounted Seal**—a continuous seal that is mounted such that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

**Vented**—discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means such as compressors or vacuum-producing systems or by process-related means such as evaporation produced by heating and not caused by tank loading and unloading (working losses) or by natural means such as diurnal temperature changes.

**Volatile Organic Concentration or VO Concentration**—the fraction by weight of the volatile organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw) as determined by direct measurement or by knowledge of the waste in accordance with the requirements of LAC 33:V.4727. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as  $1.8 \times 10^{-6}$  atmospheres/gram-mole/ $m^3$ ) at 25°C must be included. Appendix Table 1 of this Chapter presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

**Waste Determination**—performing all applicable procedures in accordance with the requirements of LAC 33:V.4727 to determine whether a hazardous waste meets standards specified in this Chapter. Examples of a waste determination include performing the procedures in accordance with the requirements of LAC 33:V.4727 to determine the average VO concentration of a hazardous waste at the point of waste origination; the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste; the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards; or the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

**Waste Stabilization Process**—any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095 (Paint Filter Liquids Test) in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication Number SW-846, Third Edition, September 1986, as amended by Update I, November 15, 1992 (incorporated by reference—refer to LAC 33:V.110). A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification." This does not include the adding of absorbent materials to the surface of a waste, without mixing, agitation, or subsequent curing, to absorb free liquid.



## **Subchapter A. Process Vents**

### **§1705. Applicability**

The regulations in this Subchapter apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in LAC 33:V.1501).

- A. Except for LAC 33:V.1711.D and E, this Subchapter applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 parts per million by weight (ppmw), if these operations are conducted in one of the following:
1. a unit that is subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 31, and 43;
  2. a unit (including a hazardous waste recycling unit) that is not exempt from the permitting requirements under LAC 33:V.1109.E (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located on a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 31, and 43; or
  3. a unit that is exempt from permitting under the provisions of LAC 33:V.1109.E (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of LAC 33:V.4105.

#### **Response**

Exide does not utilize process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes. Furthermore, Exide does not store, process, or dispose of any material with organic concentrations above 10 ppm. Therefore, this Subchapter does not apply.

- B. For the owner or operator of a facility subject to the requirements of this Subchapter and who received a final permit under RCRA Section 3005 and LAC 33:V.Subpart 1 prior to December 6, 1996, the requirements of this Subchapter must be incorporated when the permit is reissued under LAC 33:V.705 or reviewed under LAC 33:V.315. Until such date when the owner and operator receive a final permit incorporating the requirements of this Subchapter, the owner or operator are subject to the requirements of LAC 33:V.Chapter 43.

[Note: The requirements of this Subchapter apply to process vents on hazardous waste recycling units previously exempt under LAC 33:V.4115.A. Other exemptions under LAC 33:V.105.D and 1501.C are not affected by these requirements.]

- C. The requirements of this Subchapter do not apply to the pharmaceutical manufacturing facility, commonly referred to as the Stonewall Plant, located at Route 340 South, Elkton, Virginia, provided that facility is operated in compliance with the requirements contained in a Clean Air Act permit issued in accordance with 40 CFR 52.2454. The requirements of this Subchapter shall apply to the facility upon termination of the Clean Air Act permit issued pursuant to 40 CFR 52.2454.**
- D. The requirements of this Subchapter do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents that would otherwise be subject to this Subchapter are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63. The documentation of compliance under regulations at 40 CFR part 60, part 61, or part 63 shall be kept with, or made readily available with, the facility operating record.**

**Response**

Exide acknowledges these provisions; however, this subchapter is not applicable. Exide does not utilize process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes. Furthermore, Exide does not store, process, or dispose of any material with organic concentrations above 10 ppm.

**§1707. Standards: Process Vents**

- A. The owner or operator of a facility with process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations managing hazardous wastes with organic concentrations of at least 10 ppmw shall either:**
  - 1. reduce total organic emissions from all affected process vents at the facility below 1.4 kg/h (3 lb/h) and 2.8 Mg/yr (3.1 tons/yr); or**
  - 2. reduce, by use of a control device, total organic emissions from all affected process vents at the facility by 95 weight percent.**
- B. If the owner or operator installs a closed-vent system and control device to comply with the provisions of LAC 33:V.1707.A, the closed-vent system and control device must meet the requirements of LAC 33:V.1709.**
- C. Determinations of vent emissions and emission reductions or total organic compound concentrations achieved by add-on control devices may be based on engineering calculations or performance tests. If performance tests are used to determine vent emissions, emission reductions, or total organic compound concentrations achieved by add-on control devices, the performance tests must conform with the requirements of LAC 33:V.1711.C.**
- D. When an owner or operator and the administrative authority do not agree on determinations of vent emissions and/or emission reductions or total organic compound concentrations achieved by add-on control devices**

based on engineering calculations, the procedures in LAC 33:V.1711.C shall be used to resolve the disagreement.

#### **§1709. Standards: Closed-Vent Systems and Control Devices**

##### **A. Compliance**

- 1. Owners or operators of closed-vent systems and control devices used to comply with provisions of LAC 33:V.Chapter 17 shall comply with the provisions of this Section.**
- 2.**
  - a. The owner or operator of an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this Subchapter on the effective date that the facility becomes subject to the provisions of this Subchapter must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subchapter for installation and start-up.**
  - b. Any unit that begins operation after December 21, 1990, and is subject to the provisions of this Subchapter when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on start-up of the affected unit); the 30-month implementation schedule does not apply.**
  - c. The owner or operator of any facility in existence on the effective date of an EPA regulatory amendment that renders the facility subject to this Subchapter shall comply with all requirements of this Subchapter as soon as practicable, but no later than 30 months after the regulation's effective date. When control equipment required by this Subchapter cannot be installed and begin operation by the effective date of the regulation, the facility owner or operator shall prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment; initiation of on-site installation of the control equipment; completion of the control equipment installation; and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subchapter. The owner or operator shall enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.**
  - d. Owners and operators of facilities and units that become newly subject to the requirements of this Subchapter after December 8, 1997, due to an action other than those described in Subsection A.2.c of this Section must comply with all applicable requirements**

immediately (i.e., must have control devices installed and operating on the date the facility or unit becomes subject to this Subchapter; the 30-month implementation schedule does not apply).

- B. Control Devices.** A control device involving vapor recovery (e.g., a condenser or adsorber) shall be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of LAC 33:V.1707.A.1 for all affected process vents can be attained at an efficiency less than 95 weight percent.
- C. Combustion Device.** An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) shall be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to 3 percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760°C. If a boiler or process heater is used as the control device, then the vent stream shall be introduced into the flame zone of the boiler or process heater.
- D. Flare**

  - 1. Visible Emissions.** A flare shall be designed for and operated with no visible emissions as determined by the methods specified in LAC 33:V.1709.E.1, except for periods not to exceed a total of five minutes during any two consecutive hours.
  - 2. Flame.** A flare shall be operated with a flame present at all times, as determined by the methods specified in LAC 33:V.1709.F.2.c.
  - 3. Combustible Heating Value.** A flare shall be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted shall be determined by the methods specified in LAC 33:V.1709.E.2.
  - 4. Steam-Assisted or Nonassisted**

    - a.** A steam-assisted or nonassisted flare shall be designed for and operated with an exit velocity, as determined by the methods specified in LAC 33:V.1709.E.3, of less than 18.3 m/s (60 ft/s), except as provided in LAC 33:V.1709.D.4.b and c.
    - b.** A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in LAC 33:V.1709.E.3, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

- c. A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in LAC 33:V.1709.E.3, of less than the velocity,  $V_{\max}$ , as determined by the method specified in LAC 33:V.1709.E.4, and less than 122 m/s (400 ft/s), is allowed.
5. **Air-Assisted.** An air-assisted flare shall be designed and operated with an exit velocity less than the velocity,  $V_{\max}$ , as determined by the method specified in LAC 33:V.1709.E.5.
6. **Compliance.** A flare used to comply with this Section shall be steam-assisted, air-assisted, or nonassisted.

**E. Visible Emissions**

$$H_T = K \left[ \sum_{i=1}^n C_i H_i \right]$$

1. Reference Method 22 in LAC 33:III.6079 shall be used to determine the compliance of a flare with the visible emission provisions of this Subchapter. The observation period is two hours and shall be used according to Method 22.
2. The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

where:

$H_T$  = net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mol is 20°C;

$K$  = constant,  $1.74 \times 10^{-1}$  (1/ppm) (g mol/scm) (MJ/kcal), where standard temperature for (g mol/scm) is 20°C;

$C_i$  = concentration of sample component  $i$  in ppm on a wet basis, as measured for organics by Reference Method 18 in LAC 33:III.6071 and measured for hydrogen and carbon monoxide by ASTM D 1946-82; and

$H_i$  = net heat of combustion of sample component  $i$ , kcal/9 mol at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D 2382-83 if published values are not available or cannot be calculated.

3. The actual exit velocity of a flare shall be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by the methods in LAC 33:III.Chapter 60 as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.
4. The maximum allowed velocity in m/s,  $V_{\max}$ , for a flare complying with LAC 33:V.1709.D.4.c shall be determined by the following equation:

**where:**

**28.8 = constant;**

**31.7 = constant;**

$$\text{LOG}_{10} (V_{\text{max}}) = \frac{(H_T + 28.8)}{31.7}$$

**H<sub>T</sub> = the net heating value as determined in LAC 33:V.1709.E.2.**

- 5. The maximum allowed velocity in m/s, V<sub>max</sub>, for an air-assisted flare shall be determined by the following equation:**

$$V_{\text{max}} = 8.706 + 0.7084(H_T)$$

**where:**

**8.706 = constant;**

**0.7084 = constant;**

**H<sub>T</sub> = the net heating value as determined in LAC 33:V.1709.E.2.**

- F. Inspection and Monitoring. The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements.**
- 1. Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor shall be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.**
  - 2. Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:**
    - a. For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device shall have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C, whichever is greater. The temperature sensor shall be installed at a location in the combustion chamber downstream of the combustion zone.**
    - b. For a catalytic vapor incinerator, a temperature-monitoring device equipped with a continuous recorder. The device shall be capable of monitoring temperature at two locations and have an accuracy of ±1 percent of the temperature being monitored in °C or ±0.5°C, whichever is greater. One temperature sensor shall be installed in the vent stream at the nearest feasible point to the catalyst bed**

**inlet, and a second temperature sensor shall be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.**

- c. For a flare, a heat-sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.**
- d. For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature-monitoring device equipped with a continuous recorder. The device shall have an accuracy of  $\pm 1$  percent of the temperature being monitored in  $^{\circ}\text{C}$  or  $\pm 0.5^{\circ}\text{C}$ , whichever is greater. The temperature sensor shall be installed at a location in the furnace downstream of the combustion zone.**
- e. For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure a parameter or parameters that indicate that good combustion operating practices are being used.**
- f. For a condenser, either:**
  - i. a monitoring device equipped with a continuous recorder to measure the concentration level of the total organic compounds in the exhaust vent stream from the condenser, or**
  - ii. a temperature-monitoring device equipped with a continuous recorder. The device shall be capable of monitoring temperature with an accuracy of  $\pm 1$  percent of the temperature being monitored in  $^{\circ}\text{C}$  or  $\pm 0.5^{\circ}\text{C}$ , whichever is greater. The temperature sensor shall be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).**
- g. For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either:**
  - i. a monitoring device equipped with a continuous recorder to measure the concentration level of the total organic compounds in the exhaust vent stream from the carbon bed, or**
  - ii. a monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.**
- 3. Inspect the readings from each monitoring device required by LAC 33:V.1709.F.1 and 2 at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure that the control device operates in compliance with the requirements of this Section.**

**G. Carbon Adsorption System, Regenerative. An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that**

regenerates the carbon bed directly on-site in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined interval that is no longer than the carbon service life established as a requirement of LAC 33:V.1713.B.4.c.vi.

- H. **Carbon Adsorption System, Nonregenerative.** An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly on-site in the control device shall replace the existing carbon in the control device with fresh carbon regularly by using one of the following procedures:
  - 1. Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency shall be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of LAC 33:V.1713.B.4.c.vii, whichever is longer.
  - 2. Replace the existing carbon with fresh carbon at a regular, predetermined interval that is less than the design carbon replacement interval established as a requirement of LAC 33:V.1713.B.4.c.vii.
- I. **Alternative Process or Operational Parameters.** An alternative operational or process parameter may be monitored if it can be demonstrated that another parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.
- J. **Alternative Control Device: Documentation.** An owner or operator of an affected facility seeking to comply with the provisions of LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37 by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.
- K. **A closed-vent system shall meet either of the following design requirements:**
  - 1. a closed-vent system shall be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background as determined by the procedure in LAC 33:V.1711.B and by visual inspections; or
  - 2. a closed-vent system shall be designed to operate at a pressure below atmospheric pressure. The system shall be equipped with at least one pressure gauge or other pressure measurement device that can be



read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

- L. The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:**
  - 1. each closed-vent system that is used to comply with Subsection K.1 of this Section shall be inspected and monitored in accordance with the following requirements:**
    - a. an initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in LAC 33:V.1711.B to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background;**
    - b. after initial leak detection monitoring required in Subsection L.1.a of this Section, the owner or operator shall inspect and monitor the closed-vent system as follows:**
      - i. closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) shall be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component or connection using the procedures specified in LAC 33:V.1711.B to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted);**
      - ii. closed-vent system components or connections other than those specified in Subsection L.1.b.i of this Section shall be monitored annually and at other times as requested by the administrative authority, except as provided for in Subsection O of this Section, using the procedures specified in LAC 33:V.1711.B to demonstrate that the components or connections operate with no detectable emissions;**
    - c. in the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of Subsection L.3 of this Section;**

- ## PROVIDENCE ENGINEERING

- N. The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the average volatile organic concentration of the carbon:**
- 1. regenerated or reactivated in a thermal treatment unit that meets one of the following:**
    - a. the owner or operator of the unit has been issued a final permit under LAC 33:V.Chapter 5 which implements the requirements of LAC 33:V.Chapter 32;**
    - b. the unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subchapters A and C of this Chapter or of LAC 33:V.Chapter 43; or**
    - c. the unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollutants under 40 CFR part 61 or part 63;**
  - 2. incinerated in a hazardous waste incinerator for which the owner or operator either:**
    - a. has been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 31; or**
    - b. has designed and operates the incinerator in accordance with the interim status requirements of LAC 33:V.Chapter 43.Subchapter N;**
  - 3. burned in a boiler or industrial furnace for which the owner or operator either:**
    - a. has been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 30; or**
    - b. has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of LAC 33:V.Chapter 30.**
- O. Any components of a closed-vent system that are designated, as described in LAC 33:V.1713.C.9, as unsafe to monitor are exempt from the requirements of Subsection L.1.b.ii of this Section if:**
- 1. the owner or operator of the closed-vent system determines that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with Subsection L.1.b.ii of this Section; and**
  - 2. the owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in Subsection L.1.b.ii of this Section as frequently as practicable during safe-to-monitor times.**

#### **§1711. Test Methods and Procedures**

- A. Each owner or operator subject to the provisions of this Subchapter shall comply with the test methods and procedures requirements provided in this Section.**
- B. When a closed-vent system is tested for compliance with no detectable emissions, as required in LAC 33:V.1709.L, the test shall comply with the following requirements.**
  - 1. Monitoring shall comply with Reference Method 21 in LAC 33:III.6077.**
  - 2. The detection instrument shall meet the performance criteria of Reference Method 21.**
  - 3. The instrument shall be calibrated before use on each day of its use by the procedures specified in Reference Method 21.**
  - 4. Calibration gases shall be:**
    - a. zero air (less than 10 ppm of hydrocarbon in air);**
    - b. a mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.**
  - 5. The background level shall be determined as set forth in Reference Method 21.**
  - 6. The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible, as described in Reference Method 21.**
  - 7. The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.**
- C. Performance tests to determine compliance with LAC 33:V.1707.A and with the total organic compound concentration limit of LAC 33:V.1709.C shall comply with the following:**
  - 1. Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices shall be conducted and data reduced in accordance with the following reference methods and calculation procedures:**
    - a. Method 2 in LAC 33:III.6003 for velocity and volumetric flow rate.**
    - b. Method 18 in LAC 33:III.6071 for organic content.**
    - c. Each performance test shall consist of three separate runs; each run shall be conducted for at least one hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur.**

For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs shall apply. The average shall be computed on a time-weighted basis.

- d. Total organic mass flow rates shall be determined by the following

$$E_h = Q_{2sd} \left[ \sum_{i=1}^n C_i MW_i \right] [0.0416] [10^{-6}]$$

equation:

where:

$E_h$  = total organic mass flow rate, kg/h;

$Q_{2sd}$  = volumetric flow rate of gases entering or exiting control device, as determined by Method 2, dscm/h;

$n$  = number of organic compounds in the vent gas;

$C_i$  = organic concentration in ppm, dry basis, of compound  $i$  in the vent gas, as determined by Method 18;

$MW_i$  = molecular weight of organic compound  $i$  in the vent gas, kg/kg-mol;

0.0416 = conversion factor for molar volume, kg-mol/m<sup>3</sup> (@ 293 K and 760 mm Hg); and

$10^{-6}$  = conversion from ppm, ppm<sup>-1</sup>.

- e. The annual total organic emission rate shall be determined by the following equation:

$$E_A = (E_h)(H)$$

where:

$E_A$  = total organic mass emission rate, kg/y;

$E_h$  = total organic mass flow rate for the process vent, kg/h; and

$H$  = total annual hours of operations for the affected unit, h.

- f. Total organic emissions from all affected process vents at the facility shall be determined by summing the hourly total organic mass emission rates ( $E_h$  as determined in LAC 33:V.1711.C.1.d) and by summing the annual total organic mass emission rates ( $E_A$ , as determined in LAC 33:V.1711.C.1.e) for all affected process vents at the facility.

2. The owner or operator shall record such process information as may be necessary to determine the conditions of the performance tests. Operations during periods of start-up, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test.

3. The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:
    - a. sampling ports adequate for the test methods specified in LAC 33:V.1711.C.1;
    - b. safe sampling platform(s);
    - c. safe access to sampling platform(s); and
    - d. utilities for sampling and testing equipment.
  4. For the purpose of making compliance determinations, the time-weighted average of the results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the administrative authority's approval, be determined using the average of the results of the two other runs.
- D. To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subchapter, the owner or operator must make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods.
1. Direct measurement of the organic concentration of the waste using the following procedures:
    - a. The owner or operator must take a minimum of four grab samples of waste for each waste stream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.
    - b. For waste generated on-site, the grab samples must be collected at a point before the waste is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated off-site, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.
    - c. Each sample shall be analyzed, and the total organic concentration of the sample shall be computed using Method 9060 or 8260 of Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,

EPA Publication SW-846, as incorporated by reference at LAC 33:V.110.

- d. The arithmetic mean of the results of the analyses of the four samples shall apply for each waste stream managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each waste stream managed in the unit.
  2. Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that shall be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a waste stream having a total organic content less than 10 ppmw, or prior speciation analysis results on the same waste stream where it can also be documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.
- E. The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations manage hazardous wastes with time-weighted, annual average total organic concentrations less than 10 ppmw shall be made as follows:
1. by the effective date that the facility becomes subject to the provisions of this Subchapter or by the date when the waste is first managed in a waste management unit, whichever is later; and
  2. for continuously generated waste, annually; or
  3. whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.
- F. When an owner or operator and the administrative authority do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8260 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, as incorporated by reference at LAC 33:V.110 may be used to resolve the dispute.

## **§1713. Recordkeeping Requirements**

### **A. Compliance**

- 1. Each owner or operator subject to the provisions of this Subchapter shall comply with the recordkeeping requirements of this Section.**
- 2. An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subchapter may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.**

### **B. Implementation Schedule and Documentation. Owners and operators must record the following information in the facility operating record:**

- 1. For facilities that comply with the provisions of LAC 33:V.1709.A.2, an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The schedule must also include a rationale of why the installation cannot be completed at an earlier date. The implementation schedule must be in the facility operating record by the effective date that the facility becomes subject to the provisions of this Subchapter.**
- 2. Up-to-date documentation of compliance with the process vent standards in LAC 33:V.1707, including:**
  - a. Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan).**
  - b. Information and data supporting determinations of vent emissions and emission reductions achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, determinations of vent emissions and emission reductions must be made using operating parameter values (i.e., temperatures, flow rates, or vent stream organic compounds and concentrations) that represent the conditions that result in maximum organic emissions, such as when the waste management unit is operating at the highest load or capacity level reasonably expected to occur. If the owner or operator takes any action (e.g., managing a waste of different composition or increasing operating hours of affected waste management units) that would result in an increase in total organic emissions from affected process vents at the facility, then a new determination is required.**



- 3. Where an owner or operator chooses to use test data to determine the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan. The test plan must include:**
  - a. a description of how it is determined that the planned test is going to be conducted when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. This shall include the estimated or design flow rate and organic content of each vent stream and define the acceptable operating ranges of key process and control device parameters during the test program;**
  - b. a detailed engineering description of the closed-vent system and control device including:**
    - i. manufacturer's name and model number of control device;**
    - ii. type of control device;**
    - iii. dimensions of the control device;**
    - iv. capacity; and**
    - v. construction materials;**
  - c. a detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.**
- 4. Documentation of compliance with LAC 33:V.1709 shall include the following information:**
  - a. a list of all information references and sources used in preparing the documentation;**
  - b. records, including the dates, of each compliance test required by LAC 33:V.1709.K;**
  - c. if engineering calculations are used, a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," as incorporated by reference at LAC 33:V.110, or other engineering texts acceptable to the administrative authority that present basic control device design information. Documentation provided by the control device manufacturer or vendor that describes the control device design in accordance with LAC 33:V.1713.B.4.c.i-vii may be used to comply with this requirement. The design analysis shall address the vent stream characteristics and control device operation parameters as specified below;**

- i. for a thermal vapor incinerator, the design analysis shall consider the vent stream composition, constituent concentrations, and flow rate. The design analysis shall also establish the design minimum and average temperature in the combustion zone and the combustion zone residence time;
- ii. for a catalytic vapor incinerator, the design analysis shall consider the vent stream composition, constituent concentrations, and flow rate. The design analysis shall also establish the design minimum and average temperatures across the catalyst bed inlet and outlet;
- iii. for a boiler or process heater, the design analysis shall consider the vent stream composition, constituent concentrations, and flow rate. The design analysis shall also establish the design minimum and average flame zone temperatures, combustion zone residence time, and description of method and location where the vent stream is introduced into the combustion zone;
- iv. for a flare, the design analysis shall consider the vent stream composition, constituent concentrations, and flow rate. The design analysis shall also consider the requirements specified in LAC 33:V.1709.D;
- v. for a condenser, the design analysis shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis shall also establish the design outlet organic compound concentration level, design average temperature of the condenser exhaust vent stream, and design average temperatures of the coolant fluid at the condenser inlet and outlet;
- vi. for a carbon adsorption system such as a fixed-bed absorber that regenerates the carbon bed directly on-site in the control device, the design analysis shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis shall also establish the design exhaust vent stream organic compound concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time, and design service life of carbon;
- vii. for a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly on-site in the

control device, the design analysis shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis shall also establish the design outlet organic concentration level, capacity of carbon bed, type and working capacity of activated carbon used for the carbon bed, and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule;

- d. a statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
  - e. a statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 percent or greater unless the total organic concentration limit of LAC 33:V.1707.A is achieved at an efficiency less than 95 weight percent, or the total organic emission limits of LAC 33:V.1707.A for all affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent. A statement provided by the control device manufacturer or vendor certifying that the control equipment meets the design specifications may be used to comply with this requirement;
  - f. if performance tests are used to demonstrate compliance, all test results.
- C. **Design: Documentation, Monitoring, Operating, and Inspection.** Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37 shall be recorded and kept up-to-date in the facility operating record. The information shall include:
- 1. a description and the date of each modification made to the closed-vent system or control device design;
  - 2. identification of operating parameter, description of monitoring device, and diagram of monitoring sensor location or locations used to comply with LAC 33:V.1709.F.1 and 2;
  - 3. monitoring, operating, and inspection information required by LAC 33:V.1709.F-K;
  - 4. date, time, and duration of each period that occurs while the control device is operating when any monitored parameter exceeds the value established in the control device design analysis as specified below:

- a. for a thermal vapor incinerator designed to operate with a minimum residence time of 0.50 second at a minimum temperature of 760°C, each period when the combustion temperature is below 760°C;
- b. for a thermal vapor incinerator designed to operate with an organic emission reduction efficiency of 95 weight percent or greater, each period when the combustion zone temperature is more than 28°C below the design average combustion zone temperature established as a requirement of LAC 33:V.1713.B.4.c.i;
- c. for a catalytic vapor incinerator, each period when:
  - i. temperature of the vent stream at the catalyst bed inlet is more than 28°C below the average temperature of the inlet vent stream established as a requirement of LAC 33:V.1713.B.4.c.ii, or
  - ii. temperature difference across the catalyst bed is less than 80 percent of the design average temperature difference established as a requirement of LAC 33:V.1713.B.4.c.ii;
- d. for a boiler or process heater, each period when:
  - i. flame zone temperature is more than 28°C below the design average flame zone temperature established as a requirement of LAC 33:V.1713.B.4.c.iii, or
  - ii. position changes where the vent stream is introduced to the combustion zone from the location established as a requirement of LAC 33:V.1713.B.4.c.iii;
- e. for a flare, each period when the pilot flame is not ignited;
- f. for a condenser that complies with LAC 33:V.1709.F.2.f.i, each period when the organic compound concentration level or readings of organic compounds in the exhaust vent stream from the condenser are more than 20 percent greater than the design outlet organic compound concentration level established as a requirement of LAC 33:V.1713.B.4.c.v;
- g. for a condenser that complies with LAC 33:V.1709.F.2.f.ii, each period when:
  - i. temperature of the exhaust vent stream from the condenser is more than 6°C above the design average exhaust vent stream temperature established as a requirement of LAC 33:V.1713.B.4.c.v; or
  - ii. temperature of the coolant fluid exiting the condenser is more than 6°C above the design average coolant fluid temperature at the condenser outlet established as a requirement of LAC 33:V.1713.B.4.c.v;

- ## PROVIDENCE ENGINEERING

- b. the date the leak was detected and the date of first attempt to repair the leak;
- c. the date of successful repair of the leak; and
- d. maximum instrument reading measured by Method 21 of 40 CFR part 60, appendix A after it is successfully repaired or determined to be nonrepairable;
- e. "repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
  - i. The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.
  - ii. If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.
- D. **Record Retention.** Records of the monitoring, operating, and inspection information required by Subsection C.3-10 of this Section must be kept on site for three years following the date of each occurrence, measurement, maintenance, corrective action, or record.
- E. **Alternative Control Devices.** For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the administrative authority will specify the appropriate recordkeeping requirements.
- F. **Log.** Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in LAC 33:V.1707 including supporting documentation as required by LAC 33:V.1711.D.2 when application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced is used, shall be recorded in a log that is kept in the facility operating record.

#### **§1715. Reporting Requirements**

- A. A semiannual report shall be submitted by owners and operators subject to the requirements of this Subchapter to the administrative authority by dates specified by the administrative authority. The report shall include the following information:
  - 1. the Environmental Protection Agency identification number, name, and address of the facility; and
  - 2. for each month during the semiannual reporting period, dates when the control device exceeded or operated outside of the design specifications as defined in LAC 33:V.1713.C.4 and as indicated by the

control device monitoring required by LAC 33:V.1709.F and such exceedances were not corrected within 24 hours, or that a flare operated with visible emissions as defined in LAC 33:V.1709.D and as determined by Method 22 monitoring, the duration and cause of each exceedance or visible emissions, and any corrective measures taken.

- B. If, during the semiannual reporting period, the control device does not exceed or operate outside of the design specifications as defined in LAC 33:V.1713.C.4 for more than 24 hours or a flare does not operate with visible emissions as defined in LAC 33:V.1709.D, a report to the administrative authority is not required.

### **Subchapter B. Equipment Leaks**

#### **§1717. Applicability**

- A. The regulations in this Subchapter apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in LAC 33:V.1501).
- B. Except as provided in LAC 33:V.1743.K, this Subchapter applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:
1. a unit that is subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 31, and 43; or
  2. a unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of LAC 33:V.1109.E.1 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 31, and 43; or
  3. a unit that is exempt from permitting under the provisions of LAC 33:V.1109.E.1 (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of LAC 33:V.4105.

#### **Response**

Equipment, per LAC 33:V.1703, is defined as each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, flange, or other connector and any control devices or systems required by this Chapter. Exide does not utilize such equipment containing or contacting hazardous wastes. Therefore, this subchapter does not apply.

- C. For the owner or operator of a facility subject to the requirements of this Subchapter and who has received a final permit under RCRA section 3005

and LAC 33:V.Subpart 1 prior to December 6, 1996, the requirements of this Subchapter must be incorporated when the permit is reissued under LAC 33:V.705 or reviewed under LAC 33:V.315. Until such date when the owner or operator receives a final permit incorporating the requirements of this Subchapter, the owner or operator is subject to the requirements of LAC 33:V.Chapter 43.Subchapter Q.

- D. Each piece of equipment to which this Subchapter applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.
- E. Equipment that is in vacuum service is excluded from the requirements of LAC 33:V.1719-1735 if it is identified as required in LAC 33:V.1743.G.5.
- F. Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year is excluded from the requirements of LAC 33:V.1719 - 1735 if it is identified, as required in LAC 33:V.1743.

[Note: The requirements of this Subchapter apply to equipment associated with hazardous waste recycling units previously exempt under LAC 33:V.4115.A. Other exemptions under LAC 33:V.105.D and 1501.C are not affected by these requirements.]

#### **§1719. Standards: Pumps in Light Liquid Service**

##### **A. Monitoring**

- 1. Each pump in light liquid service shall be monitored monthly to detect leaks by the methods specified in LAC 33:V.1741.B, except as provided in Subsections D, E, and F of this Section.
- 2. Each pump in light liquid service shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

##### **B. Leak Detection**

- 1. If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- 2. If there are indications of liquids dripping from the pump seal, a leak is detected.

##### **C. Repair**

- 1. When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in LAC 33:V.1733.
- 2. A first attempt at repair (e.g., tightening the packing gland) shall be made no later than five calendar days after each leak is detected.



- D. Dual Mechanical Seal Exemption.** Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of LAC 33:V.1719.A provided the following requirements are met.
- 1. Operation and Equipment.** Each dual mechanical seal system must be:
    - a. operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressure; or
    - b. equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of LAC 33:V.1735; or
    - c. equipped with a system that purges the barrier fluid into a hazardous waste stream with no detectable emissions to the atmosphere.
  - 2. Barrier Fluid System.** The barrier fluid system must not be a hazardous waste with organic concentrations 10 percent or greater by weight.
  - 3. Barrier Fluid System Sensor.** Each barrier fluid system must be equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.
  - 4. Pump Inspection.** Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.
  - 5. Seal System and Sensor Function**
    - a. Each sensor as described in LAC 33:V.1719.D.3 must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.
    - b. The owner or operator must determine, on the basis of design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
  - 6. Leak Detection and Repair**
    - a. If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both on the basis of the criterion determined in LAC 33:V.1719.D.5.b, a leak is detected.
    - b. When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in LAC 33:V.1733.
    - c. A first attempt at repair (e.g., relapping the seal) shall be made no later than five calendar days after each leak is detected.
- E. No Detectable Emission Exemption.** Any pump that is designated, as described in LAC 33:V.1743.G.2, for no detectable emissions, as indicated

by an instrument reading of less than 500 ppm above background, is exempt from the requirements of LAC 33:V.1719.A, C, and D if the pump meets the following requirements:

1. The pump must have no externally actuated shaft penetrating the pump housing.
  2. The pump must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in LAC 33:V.1741.C.
  3. The pump must be tested for compliance with LAC 33:V.1719.E.2 initially upon designation, annually, and at other times as requested by the administrative authority.
- F. **Closed Vent System Exemption.** If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of LAC 33:V.1735, it is exempt from the requirements of LAC 33:V.1719.A-E.

#### **§1721. Standards: Compressors**

- A. **Equipment.** Each compressor shall be equipped with a seal system that includes a barrier fluid system and that prevents leakage of total organic emissions to the atmosphere, except as provided in LAC 33:V.1721.H and I.
- B. **Seal System.** Each compressor seal system as required in LAC 33:V.1721.A shall be:
1. operated with the barrier fluid at a pressure that is at all times greater than the compressor stuffing box pressure, or
  2. equipped with a barrier fluid system that is connected by a closed-vent system to a control device that complies with the requirements of LAC 33:V.1735, or
  3. equipped with a system that purges the barrier fluid into a hazardous waste stream with no detectable emissions to atmosphere.
- C. **Barrier Fluid System.** The barrier fluid must not be a hazardous waste with organic concentrations 10 percent or greater by weight.
- D. **Barrier Fluid System Sensor.** Each barrier fluid system as described in LAC 33:V.1721.A-C shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.
- E. **Seal System and Sensor Function**
1. Each sensor as required in LAC 33:V.1721.D shall be checked daily or shall be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly unless the compressor is

located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.

2. The owner or operator shall determine, on the basis of design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
- F. **Leak Detection.** If the sensor indicates failure of the seal system, the barrier fluid system, or both on the basis of the criterion determined under LAC 33:V.1721.E.2, a leak is detected.
- G. **Leak Repair**
1. When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in LAC 33:V.1733.
  2. A first attempt at repair (e.g., tightening the packing gland) shall be made no later than five calendar days after each leak is detected.
- H. **Closed-Vent System Exemption.** A compressor is exempt from the requirements of LAC 33:V.1721.A and B if it is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal to a control device that complies with the requirements of LAC 33:V.1735, except as provided in LAC 33:V.1721.I.
- I. **No Detectable Emission Exemption.** Any compressor that is designated, as described in LAC 33:V.1743.G.2, for no detectable emissions as indicated by an instrument reading of less than 500 ppm above background is exempt from the requirements of LAC 33:V.1721.A-H if the compressor:
1. is determined to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in LAC 33:V.1741.C; and
  2. is tested for compliance with LAC 33:V. 1721.I.1 initially upon designation, annually, and at other times as required by the administrative authority.

#### **§1723. Standards: Pressure Relief Devices in Gas/Vapor Service**

- A. **Operation.** Except during pressure releases, each pressure relief device in gas/vapor service shall be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in LAC 33:V.1741.C.
- B. **Monitoring**
1. After each pressure release, the pressure relief device shall be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon

as practicable, but no later than five calendar days after each pressure release, except as provided in LAC 33:V.1733.

2. No later than five calendar days after the pressure release, the pressure relief device shall be monitored to confirm the condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in LAC 33:V.1741.C.
- C. Exemption. Any pressure relief device that is equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in LAC 33:V.1735 is exempt from the requirements of LAC 33:V.1723.A and B.

#### **§1725. Standards: Sampling Connection Systems**

- A. Each sampling connection system shall be equipped with a closed purge, closed loop, or closed-vent system. This system shall collect the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.
- B. Each closed-purge, closed loop, or closed-vent system, as required in Subsection A of this Section, shall meet one of the following requirements:
  1. return the purged process fluid directly to the process line;
  2. collect and recycle the purged process fluid; or
  3. be designed and operated to capture and transport all the purged process fluid to a waste management unit that complies with the applicable requirements of LAC 33:V.1755-1759 or a control device that complies with the requirements of LAC 33:V.1735.
- C. In situ sampling systems and sampling systems without purges are exempt from the requirements of Subsections A and B of this Section.

#### **§1727. Standards: Open-Ended Valves or Lines**

- A. Equipment
  1. Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve.
  2. The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring hazardous waste stream flow through the open-ended valve or line.
- B. Operation. Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the hazardous waste stream end is closed before the second valve is closed.
- C. Compliance. When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting

the line between the block valves but shall comply with LAC 33:V.1727.A at all other times.

**§1729. Standards: Valves in Gas/Vapor Service or in Light Liquid Service**

- A. Monitoring, General.** Each valve in gas/vapor or light liquid service shall be monitored monthly to detect leaks by the methods specified in LAC 33:V.1741.B and shall comply with LAC 33:V.1729.B-E, except as provided in LAC 33:V.1729.F, G, and H, and LAC 33:V.1737 and 1739.
- B. Leak Detection.** If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- C. Monitoring Intervals**
  - 1. Any valve for which a leak is not detected for two successive months may be monitored the first month of every succeeding quarter, beginning with the next quarter, until a leak is detected.
  - 2. If a leak is detected, the valve shall be monitored monthly until a leak is not detected for two successive months.
- D. Repair, General**
  - 1. When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in LAC 33:V.1733.
  - 2. A first attempt at repair shall be made no later than five calendar days after each leak is detected.
- E. Repair Methods.** First attempts at repair include, but are not limited to, the following best practices where practicable:
  - 1. tightening of bonnet bolts;
  - 2. replacement of bonnet bolts;
  - 3. tightening of packing gland nuts; and
  - 4. injection of lubricant into lubricated packing.
- F. No Detectable Emission Exemption.** Any valve that is designated, as described in LAC 33:V.1743.G.2, for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of LAC 33:V.1729.A if the valve:
  - 1. has no external actuating mechanism in contact with the hazardous waste stream;
  - 2. is operated with emissions less than 500 ppm above background as determined by the method specified in LAC 33:V.1741.C; and
  - 3. is tested for compliance with LAC 33:V.1729.F.2 initially upon designation, annually, and at other times as requested by the administrative authority.

**G. Unsafe-to-Monitor Exemption.** Any valve that is designated, as described in LAC 33:V.1743.H.1, as an unsafe-to-monitor valve is exempt from the requirements of LAC 33:V.1729.A if:

1. the owner or operator of the valve determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with LAC 33:V.1729.A; and
2. the owner or operator of the valve adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.

**H. Difficult-to-Monitor Exemption.** Any valve that is designated, as described in LAC 33:V.1743.H.2, as a difficult-to-monitor valve is exempt from the requirements of LAC 33:V.1729.A if:

1. the owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than two meters above a support surface;
2. the hazardous waste management unit within which the valve is located was in operation before June 21, 1990; and
3. the owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

**§1731. Standards: Pumps and Valves in Heavy Liquid Service, Pressure Relief Devices in Light Liquid or Heavy Liquid Service, and Flanges and Other Connectors**

**A. Monitoring.** Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors shall be monitored within five days by the method specified in LAC 33:V.1741.B if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.

**B. Leak Detection.** If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

**C. Repair**

1. When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in LAC 33:V.1733.
2. The first attempt at repair shall be made no later than five calendar days after each leak is detected.

**D. Repair Methods.** First attempts at repair include, but are not limited to, the best practices described under LAC 33:V.1729.E.

**E.** Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of Subsection A of this Section and from the recordkeeping requirements of LAC 33:V.1743.

### **§1733. Standards: Delay of Repair**

- A. Delay of repair of equipment for which leaks have been detected will be allowed if the repair is technically infeasible without a hazardous waste management unit shutdown. In such a case, repair of this equipment shall occur before the end of the next hazardous waste management unit shutdown.**
- B. Delay of repair of equipment for which leaks have been detected will be allowed for equipment that is isolated from the hazardous waste management unit and that does not continue to contain or contact hazardous waste with organic concentrations at least 10 percent by weight.**
- C. Delay of repair for valves will be allowed if:**
  - 1. the owner or operator determines that emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair;**
  - 2. repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with LAC 33:V.1735.**
- D. Delay of repair for pumps will be allowed if:**
  - 1. repair requires the use of a dual mechanical seal system that includes a barrier fluid system;**
  - 2. repair is completed as soon as practicable, but not later than six months after the leak was detected.**
- E. Delay of repair beyond a hazardous waste management unit shutdown will be allowed for a valve if valve assembly replacement is necessary during the hazardous waste management unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next hazardous waste management unit shutdown will not be allowed unless the next hazardous waste management unit shutdown occurs sooner than six months after the first hazardous waste management unit shutdown.**

### **§1735. Standards: Closed-Vent Systems and Control Devices**

- A. Owners or operators of closed-vent systems and control devices subject to this Subchapter shall comply with the provisions of LAC 33:V.1709.**
- B. 1. The owner or operator of an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this Subchapter on the effective date that the facility becomes subject to the provisions of this Subchapter must prepare an implementation schedule that includes dates by which the closed-vent system and control**

device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subchapter for installation and start-up.

2. Any unit that begins operation after December 21, 1990, and is subject to the provisions of this Subchapter when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on start-up of the affected unit); the 30-month implementation schedule does not apply.
3. The owner or operator of any facility in existence on the effective date of an EPA regulatory amendment that renders the facility subject to this Subchapter shall comply with all requirements of this Subchapter as soon as practicable, but no later than 30 months after the regulation's effective date. When control equipment required by this Subchapter can not be installed and begin operation by the effective date of the amendment, the facility owner or operator shall prepare an implementation schedule that includes the following information: specific calendar dates for award or contracts or issuance of purchase orders for the control equipment; initiation of on-site installation of the control equipment; completion of the control equipment installation; and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subchapter. The owner or operator shall enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.
4. Owners and operators of facilities and units that become newly subject to the requirements of this Subchapter after December 8, 1997, due to an action other than those described in Subsection B.3 of this Section must comply with all applicable requirements immediately (i.e., must have control devices installed and operating on the date the facility or unit becomes subject to this Subchapter; the 30-month implementation schedule does not apply).

**§1737. Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak**

- A. An owner or operator subject to the requirements of LAC 33:V.1729 may elect to have all valves within a hazardous waste management unit comply with an alternative standard that allows no greater than 2 percent of the valves to leak.
- B. The following requirements shall be met if an owner or operator decides to comply with the alternative standard of allowing 2 percent of the valves to leak.



1. An owner or operator must notify the administrative authority that the owner or operator has elected to comply with the requirements of this Section.
  2. A performance test as specified in LAC 33:V.1737.C shall be conducted initially upon designation, annually, and at other times requested by the administrative authority.
  3. If a valve leak is detected, it shall be repaired in accordance with LAC 33:V.1729.D and E.
- C. Performance tests shall be conducted in the following manner:
1. All valves subject to the requirements of LAC 33:V.1729 within the hazardous waste management unit shall be monitored within one week by the methods specified in LAC 33:V.1741.B.
  2. If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
  3. The leak percentage shall be determined by dividing the number of valves subject to the requirements in LAC 33:V.1729 for which leaks are detected by the total number of valves subject to the requirements in LAC 33:V.1729 within the hazardous waste management unit.
- D. If an owner or operator decides to comply with this Section no longer, the owner or operator must notify the administrative authority in writing that the work practice standard described in LAC 33:V.1729.A-E will be followed.

**§1739. Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair**

**A. Alternative Work Practices**

1. An owner or operator subject to the requirements of LAC 33:V.1729 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in LAC 33:V.1739.B.2 and 3.
2. An owner or operator must notify the administrative authority before implementing one of the alternative work practices.

**B. Leak Detection Skip Period**

1. An owner or operator shall comply with the requirements for valves, as described in LAC 33:V.1729, except as described in LAC 33:V.1739.B.2 and 3.
2. After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip one of the quarterly leak detection periods (i.e., monitor for leaks once every six months) for the valves subject to the requirements in LAC 33:V.1729.

3. After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip three of the quarterly leak detection periods (i.e., monitor for leaks once every year) for the valves subject to the requirements in LAC 33:V.1729.
4. If the percentage of valves leaking is greater than two percent, the owner or operator shall monitor monthly in compliance with the requirements in LAC 33:V.1729, but may again elect to use this Section after meeting the requirements of LAC 33:V.1729.C.1.

#### **§1741. Test Methods and Procedures**

- A. Each owner or operator subject to the provisions of this Subchapter shall comply with the test methods and procedures requirements provided in this Section.
- B. Leak detection monitoring, as required in LAC 33:V.1719-1739, shall comply with the following requirements:
  1. Monitoring shall comply with Reference Method 21 in LAC 33:III.6077.
  2. The detection instrument shall meet the performance criteria of Reference Method 21.
  3. The instrument shall be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
  4. Calibration gases shall be:
    - a. zero air (less than 10 ppm of hydrocarbon in air); and
    - b. a mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
  5. The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- C. When equipment is tested for compliance with no detectable emissions, as required in LAC 33:V.1719.E, 1721.I, 1723, and 1729.F, the test shall comply with the following requirements:
  1. The requirements of LAC 33:V.1741.B.1-4 shall apply.
  2. The background level shall be determined as set forth in Reference Method 21.
  3. The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

4. The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- D. In accordance with the waste analysis plan required by LAC 33:V.1519.B, an owner or operator of a facility must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:
  1. methods described in ASTM Methods D 2267-88, E 169-87, E 168-88, E 260-85, as incorporated by reference at LAC 33:V.110;
  2. method 9060 or 8260 of Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846, as incorporated by reference at LAC 33:V.110; or
  3. application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced. A waste determination by knowledge must be documented. Examples of documentation that shall be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same waste stream where it can also be documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.
- E. If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determinations can be revised only after following the procedures in LAC 33:V.1741.D.1 or 2.
- F. When an owner or operator and the administrative authority do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in LAC 33:V.1741.D.1 or 2 can be used to resolve the dispute.
- G. Samples used in determining the percentage organic content shall be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.
- H. To determine whether pumps or valves are in light liquid service, the vapor pressures of constituents may be obtained from standard reference texts or may be determined by ASTM D-2879-86, as incorporated by reference at LAC 33:V.110.
- I. Performance tests to determine whether a control device achieves 95 weight percent organic emission reduction shall comply with the procedures of LAC 33:V.1711.C.1-4.

## **§1743. Recordkeeping Requirements**

### **A. Compliance with Recordkeeping**

- 1. Each owner or operator subject to the provisions of this Subchapter shall comply with the recordkeeping requirements of this Section.**
- 2. An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subchapter may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.**

### **B. Facility Operating Record. Owners and operators must record the following information in the facility operating record.**

- 1. For each piece of equipment to which LAC 33:V.Chapter 17, Subchapter B, applies:**
  - a. equipment identification number and hazardous waste management unit identification;**
  - b. approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan);**
  - c. type of equipment (e.g., a pump or pipeline valve);**
  - d. percent-by-weight total organics in the hazardous waste stream at the equipment;**
  - e. hazardous waste state at the equipment (e.g., gas/vapor or liquid); and**
  - f. method of compliance with the standard (i.e., "monthly leak detection and repair" or "equipped with dual mechanical seals").**
- 2. For facilities that comply with the provisions of LAC 33:V.1709.A.2, an implementation schedule as specified in LAC 33:V.1709.A.2.**
- 3. Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in LAC 33:V.1713.B.3.**
- 4. Documentation of compliance with LAC 33:V.1735, including the detailed design documentation or performance test results specified in LAC 33:V.1713.B.4.**

### **C. Leak Detection. When each leak is detected as specified in LAC 33:V.1719, 1721, 1729, and 1731, the following requirements apply.**

- 1. A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak**

was found in accordance with LAC 33:V.1731.A, and the date the leak was detected, shall be attached to the leaking equipment.

2. The identification on equipment, except on a valve, may be removed after it has been repaired.
  3. The identification on a valve may be removed after it has been monitored for two successive months as specified in LAC 33:V.1729.C, and no leak has been detected during those two months.
- D. **Inspection Log.** When each leak is detected as specified in LAC 33:V.1719, 1721, 1729, and 1731, the following information shall be recorded in an inspection log and shall be kept in the facility operating record:
1. the instrument and operator identification numbers and the equipment identification number;
  2. the date evidence of a potential leak was found in accordance with LAC 33:V.1731.A;
  3. the date the leak was detected and the dates of each attempt to repair the leak;
  4. repair methods applied in each attempt to repair the leak;
  5. "above 10,000" if the maximum instrument reading measured by the methods specified in LAC 33:V.1741.B after each repair attempt is equal to or greater than 10,000 ppm;
  6. "repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak;
  7. documentation supporting the delay of repair of a valve in compliance with LAC 33:V.1733.C;
  8. the signature of the owner or operator (or the designee authorized by the owner or operator in writing in the operating record) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown;
  9. the expected date of successful repair of the leak if a leak is not repaired within 15 calendar days; and
  10. the date of successful repair of the leak.
- E. **Design Documentation and Monitoring, Operating, and Inspection Information.** Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of LAC 33:V.1735 shall be recorded and kept up-to-date in the facility operating record as specified in LAC 33:V.1713.C. Design documentation is specified in LAC 33:V.1713.C.1 and 2, and monitoring, operating, and inspection information in LAC 33:V.1713.C.3-8.

- F. Control Device Exemptions.** For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the administrative authority will specify the appropriate recordkeeping requirements.
- G. Equipment Information Log.** The following information pertaining to all equipment subject to the requirements in LAC 33:V.1719-1735 shall be recorded in a log that is kept in the facility operating record.
- 1. Identification Numbers: General.** A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subchapter shall be kept in the log.
  - 2. Identification Numbers: No Detectable Emission Equipment**
    - a.** A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of LAC 33:V.1719.E, 1721.I, and 1729.F, shall be kept in the log.
    - b.** The designation of this equipment as subject to the requirements of LAC 33:V.1719.E, 1721.I, or 1729.F shall be signed by the owner or operator.
  - 3. Identification Numbers: Pressure Relief Devices.** A list of equipment identification numbers for pressure relief devices required to comply with LAC 33:V.1723.A shall be kept in the log.
  - 4. Compliance Test.** The following compliance test information shall be included:
    - a.** the dates of each compliance test required in LAC 33:V.1719.E, 1721.I, 1723, and 1729.F;
    - b.** the background level measured during each compliance test; and
    - c.** the maximum instrument reading measured at the equipment during each compliance test.
  - 5. Identification Numbers: Equipment in Vacuum Service.** A list of identification numbers for equipment in vacuum service shall be kept in the log.
  - 6. Identification.** Either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year.
- H. Identification Numbers: Valves.** The following information pertaining to all valves subject to the requirements of LAC 33:V.1729.G and H shall be recorded in a log that is kept in the facility operating record:

1. a list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve; and
  2. a list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.
- I. **Valve Information Log.** The following information shall be recorded in the facility operating record for valves complying with LAC 33:V.1739:
  1. a schedule of monitoring; and
  2. the percentage of valves found leaking during each monitoring period.
- J. **Pump Seal System Information Log.** The following information shall be recorded in a log that is kept in the facility operating record:
  1. criteria required in LAC 33:V.1719.D.5.b and 1721.E.2 and an explanation of the design criteria; and
  2. any changes to these criteria and the reasons for the changes.
- K. **Exemption Log.** The following information shall be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in the applicability Section of this Subchapter and other specific Subchapters.
  1. An analysis determining the design capacity of the hazardous waste management unit shall be recorded in the log.
  2. A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in LAC 33:V.1719-1735 and an analysis determining whether these hazardous wastes are heavy liquids shall be recorded in the log.
  3. An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in LAC 33:V.1719-1735 shall be recorded in the log. The record shall include supporting documentation as required in LAC 33:V.1741.D.3 when application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in LAC 33:V.1719-1735, then a new determination is required.
- L. **Record Retention Period for Equipment Leak Information.** Records of the equipment leak information required by LAC 33:V.1743.D and the operating information required by LAC 33:V.1743.E must be kept for three years.

- M. The owner or operator of a facility with equipment that is subject to this Subchapter and to regulations at 40 CFR part 60, part 61, or part 63 may elect to determine compliance with this Subchapter by documentation either in accordance with this Section or by documentation of compliance with the regulations at 40 CFR part 60, part 61, or part 63 in accordance with the relevant provisions of the regulations at 40 CFR part 60, part 61, or part 63 . The documentation of compliance under the regulation at 40 CFR part 60, part 61, or part 63 shall be kept with or made readily available with the facility operating record.**

#### **§1745. Reporting Requirements**

- A. A semiannual report shall be submitted by owners and operators subject to the requirements of this Subchapter to the administrative authority by dates specified by the administrative authority. The report shall include the following information.**
- 1. The Environmental Protection Agency identification number, name, and address of the facility shall be included.**
  - 2. For each month during the semiannual reporting period, the following shall be included:**
    - a. the equipment identification number of each valve for which a leak was not repaired as required in LAC 33:V.1729.D;**
    - b. the equipment identification number of each pump for which a leak was not repaired as required in LAC 33:V.1719.C and D.6; and**
    - c. the equipment identification number of each compressor for which a leak was not repaired as required in LAC 33:V.1721.G.**
  - 3. Dates of hazardous waste management unit shutdowns that occurred within the semiannual reporting period shall be included.**
  - 4. For each month during the semiannual reporting period, dates when the control device installed as required by LAC 33:V.1719, 1721, 1723, or 1725 exceeded or operated outside of the design specifications as defined in LAC 33:V.1743.E and as indicated by the control device monitoring required by LAC 33:V.1735 and was not corrected within 24 hours, the duration and cause of each exceedance, and any corrective measures taken shall be included.**
- B. If, during the semiannual reporting period, leaks from valves, pumps, and compressors are repaired as required in LAC 33:V.1729.D, LAC 33:V.1719.C and D.6, and LAC 33:V.1721.G, respectively, and the control device does not exceed or operate outside of the design specifications as defined LAC 33:V.1743.E for more than 24 hours, a report to the administrative authority is not required.**



## **Subchapter C. Air Emission Standards for Tanks, Surface Impoundments, and Containers**

### **§1747. Applicability**

- A. The requirements of this Subchapter apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either Chapter 19, 21, or 29, except as LAC 33:V.1501 and Subsection B of this Section provide otherwise.**

#### **Response**

Exide does not have tanks or surface impoundments which contain hazardous wastes; therefore, these portions of this subchapter do not apply.

- B. The requirements of this Subchapter do not apply to the following waste management units at the facility:**
- 1. a waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.**
  - 2. a container that has a design capacity less than or equal to 0.1 m<sup>3</sup>;**
  - 3. a tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan;**
  - 4. a surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan;**
  - 5. a waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h), CERCLA authorities, or similar state authorities;**
  - 6. a waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act and the Nuclear Waste Policy Act;**
  - 7. a hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63. For the purpose of complying with this Paragraph, a tank for which the air**

emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of LAC 33:V.1755.I, except as provided in LAC 33:V.1751.C.5; and

8. a tank that has a process vent as defined in LAC 33:V.1703.

**Response**

Exide does not have any tanks, containers, or surface impoundments that meet these criteria; therefore, these portions of this subchapter do not apply.

- C. For the owner and operator of a facility subject to this Chapter and who received a final permit under RCRA section 3005 and LAC 33:V.Subpart 1 prior to December 6, 1996, the requirements of this Chapter must be incorporated into the permit when the permit is reissued in accordance with the requirements of LAC 33:V.705 or reviewed in accordance with the requirements of LAC 33:V.315. Until such date when the permit is reissued in accordance with the requirements of LAC 33:V.705 or reviewed in accordance with the requirements of LAC 33:V.315, the owner and operator are subject to the requirements of LAC 33:V.Chapter 43.Subchapter V.
- D. The requirements of this Subchapter, except for the recordkeeping requirements specified in LAC 33:V.1765.I, are administratively stayed for a tank or a container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations when the owner or operator of the unit meets all of the following conditions:
  1. the owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purpose of meeting the conditions of this paragraph, "organic peroxide" means an organic compound that contains the bivalent —O—O— structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical;
  2. the owner or operator prepares documentation, in accordance with the requirements of LAC 33:V.1765.I, explaining why an undue safety hazard would be created if air emission controls specified in LAC 33:V.1755-1761 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of Subsection D.1 of this Section; and

3. the owner or operator notifies the administrative authority, in writing, that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of Subsection D.1 of this Section are managed at the facility in tanks or containers meeting the conditions of Subsection D.2 of this Section. The notification shall state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

#### **§1749. Definitions**

As used in this Chapter, all terms shall have the meaning given to them in LAC 33:V.1703 and 109.

#### **§1751. Standards: General**

- A. This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subchapter.

##### **Response**

Exide stores hazardous wastes in containers (55-gallon drums) which are subject to the requirements of this subchapter.

- B. The owner or operator shall control air pollutant emissions from each hazardous waste management unit in accordance with standards specified in LAC 33:V.1755-1761, as applicable to the hazardous waste management unit, except as provided for in Subsection C of this Section.
- C. A tank, surface impoundment, or container is exempt from standards specified in LAC 33:V.1755-1761, as applicable, provided that the waste management unit is one of the following:
  1. a tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration shall be determined using the procedures specified in LAC 33:V.1753.A. The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit;
  2. a tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:
    - a. a process that removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration

of the hazardous waste at the point of waste treatment is less than the exit concentration limit ( $C_t$ ) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in LAC 33:V.1753.B;

- b. a process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency ( $R$ ) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in LAC 33:V.1753.B;
- c. a process that removes or destroys the organics contained in the hazardous waste to a level such that the actual organic mass removal rate ( $MR$ ) for the process is equal to or greater than the required organic mass removal rate ( $RMR$ ) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process shall be determined using the procedures specified in LAC 33:V.1753.B;
- d. a biological process that destroys or degrades the organics contained in the hazardous waste, such that either of the following conditions is met:
  - i. the organic reduction efficiency ( $R$ ) for the process is equal to or greater than 95 percent and the organic biodegradation efficiency ( $R_{bio}$ ) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined using the procedures specified in LAC 33:V.1753.B; or
  - ii. the total actual organic mass biodegradation rate ( $MR_{bio}$ ) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate ( $RMR$ ). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in LAC 33:V.1753.B;
- e. a process that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:
  - i. from the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is managed continuously in waste management units that use air emission controls in accordance with the

- standards specified in LAC 33:V.1755-1761, as applicable to the waste management unit;
- ii. from the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere. The EPA considers a drain system that meets the requirements of 40 CFR part 63, subpart RR—National Emission Standards for Individual Drain Systems to be a closed system; and
  - iii. the average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual waste stream at the point of waste origination shall be determined using the procedures specified in LAC 33:V.1753.A. The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in LAC 33:V.1753.B;
- f. a process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in LAC 33:V.1753.A and B, respectively;
- g. a hazardous waste incinerator for which the owner or operator has either:
- i. been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 31; or
  - ii. designed and operates the incinerator in accordance with the interim status requirements of LAC 33:V.Chapter 43.Subchapter N;
- h. a boiler or industrial furnace for which the owner or operator has either:
- i. been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 30; or

- ii. designed and operates the boiler or industrial furnace in accordance with the interim status requirements of LAC 33:V.Chapter 30;
- i. for the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of Subsection C.2.a-f of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:
  - i. if Method 25D in 40 CFR part 60, appendix A is used for the analysis, one-half the blank value determined in the method at section 4.4 of Method 25D in 40 CFR 60, appendix A, or a value of 25 ppmw, whichever is less; or
  - ii. if any other analytical method is used, one-half the limit of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as  $1.8 \times 10^{-6}$  atmospheres/gram-mole/m<sup>3</sup>] at 25°C;
- 3. a tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of Subsection C.2.d of this Section;
- 4. a tank, surface impoundment, or container for which all hazardous waste placed in the unit either:
  - a. meets the numerical concentration limits for organic hazardous constituents applicable to the hazardous waste, as specified in LAC 33:V.Chapter 22.Table 2 "Treatment Standards for Hazardous Waste"; or
  - b. the organic hazardous constituents in the waste have been treated by the treatment technology established by the EPA for the waste in LAC 33:V.2227.A or have been removed or destroyed by an equivalent method of treatment approved by the department in accordance with LAC 33:V.2227.B;
- 5. a tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:
  - a. the tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR part 61, subpart FF—National Emission Standards for Benzene Waste Operations for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams per year;

- b. the enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and
- c. the enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure under 40 CFR 52.741, appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in section 5.0 to Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure annually.

**Response**

Exide does not have any waste management units that meet the above criteria.

- D. The administrative authority may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of this Section as follows:
  - 1. the waste determination for average VO concentration of a hazardous waste at the point of waste origination shall be performed using direct measurement in accordance with the applicable requirements of LAC 33:V.1753.A. The waste determination for a hazardous waste at the point of waste treatment shall be performed in accordance with the applicable requirements of LAC 33:V.1753.B;

**Response**

Exide acknowledges and understands this requirement.

- 2. in performing a waste determination in accordance with Subsection D.1 of this Section, the sample preparation and analysis shall be conducted as follows:
  - a. in accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in Subsection D.2.b of this Section; and
  - b. if the administrative authority determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the administrative authority may choose an appropriate method;

**Response**

Exide acknowledges and understands this requirement.

3. in a case when the owner or operator is requested to perform the waste determination, the administrative authority may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis;

**Response**

Exide acknowledges and understands this requirement.

4. in a case when the results of the waste determination performed or requested by the administrative authority do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of Subsection D.1 of this Section shall be used to establish compliance with the requirements of this Subchapter;

**Response**

Exide acknowledges and understands this requirement.

5. in a case when the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the administrative authority may elect to establish compliance with this Subchapter by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period as follows:

- a. the average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the requirements of LAC 33:V.1753.A;

**Response**

Exide acknowledges and understands this requirement.

- b. results of the waste determination performed or requested by the administrative authority showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this Subchapter, except in a case as provided for in Subsection D.5.c of this Section; and

**Response**

Exide acknowledges and understands this requirement.

- c. for the case when the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw, but because of normal operating process variations the VO concentration of the



hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of LAC 33:V.1753.A and 1765 shall be considered by the administrative authority together with the results of the waste determination performed or requested by the administrative authority in establishing compliance with this Subchapter.

**Response**

Exide acknowledges and understands this requirement.

**§1753. Waste Determination Procedures**

**A. Waste Determination Procedure to Determine Average Volatile Organic (VO) Concentration of a Hazardous Waste at the Point of Waste Origination**

- 1. An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of LAC 33:V.1751.C.1 from using air emission controls in accordance with standards specified in LAC 33:V.4727, as applicable to the waste management unit.**
  - a. An initial determination of the average VO concentration of the waste stream shall be made before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of LAC 33:V.1751.C.1 from using air emission controls, and thereafter, an initial determination of the average VO concentration of the waste stream shall be made for each averaging period that a hazardous waste is managed in the unit.**
  - b. Perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in LAC 33:V.1751.**

**Response**

Exide is not claiming the exemption provided in LAC 33:V.1751.C.1; therefore, this section does not apply. Exide will comply with the provisions of this section if containers are handled that meet the specifications of this exemption.

- 2. For a waste determination that is required by Subsection A.1 of this Section, the average VO concentration of a hazardous waste at the point of waste origination shall be determined in accordance with the procedures specified in LAC 33:V.4727.A.2 - 4.**

**Response**

Exide is not claiming the exemption provided in LAC 33:V.1751.C.1; therefore, this section does not apply.

**B. Waste Determination Procedures for Treated Hazardous Waste**

1. An owner or operator shall perform the applicable waste determinations for each treated hazardous waste placed in waste management units exempted under the provisions of LAC 33:V.1751.C.2.a-f from using air emission controls in accordance with standards specified in LAC 33:V.1755-1761, as applicable to the waste management unit.
  - a. An initial determination of the average VO concentration of the waste stream shall be made before the first time any portion of the material in the treated waste stream is placed in the exempt waste management unit, and thereafter, the information used for the waste determination shall be updated at least once every 12 months following the date of the initial waste determination.
  - b. Perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level such that the applicable treatment conditions specified in LAC 33:V.1751.C.2 are not achieved.

**Response**

Exide is not claiming the exemption provided in LAC 33:V.1751.C.2.a-f; therefore, this section does not apply.

2. The waste determination for a treated hazardous waste shall be performed in accordance with the procedures specified in LAC 33:V.4727, as applicable to the treated hazardous waste.

**C. Procedure to Determine the Maximum Organic Vapor Pressure of a Hazardous Waste in a Tank**

1. An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in LAC 33:V.1755.C.
2. The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in LAC 33:V.4727.

**Response**

Exide does not store hazardous waste in tanks; therefore, this section is not applicable.

- D. The procedure for determining no detectable organic emissions for the purpose of complying with this Subchapter shall be conducted in accordance with the procedures specified in LAC 33:V.4727.**

**Response**

Exide understands and will comply with this provision.

**§1755. Standards: Tanks**

- A. The provisions of this Section apply to the control of air pollutant emissions from tanks for which LAC 33:V.1751.B references the use of this Section for such air emission control.**

**Response**

Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this Section does not apply.

- B. The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:**
- 1. for a tank that manages hazardous waste that meets all of the conditions specified in Subsection B.1.a-c of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in Subsection C of this Section or the Tank Level 2 controls specified in Subsection D of this Section:**
    - a. the hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category as follows:**
      - i. for a tank design capacity equal to or greater than 151 m<sup>3</sup>, the maximum organic vapor pressure limit for the tank is 5.2 kPa;**
      - ii. for a tank design capacity equal to or greater than 75 m<sup>3</sup>, but less than 151 m<sup>3</sup>, the maximum organic vapor pressure limit for the tank is 27.6 kPa;**
      - iii. for a tank design capacity less than 75 m<sup>3</sup>, the maximum organic vapor pressure limit for the tank is 76.6 kPa;**
    - b. the hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with Subsection B.1.a of this Section; and**

- c. the hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in LAC 33:V.4721; and
  - 2. for a tank that manages hazardous waste that does not meet all of the conditions specified in Subsection B.1.a-c of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of Subsection D of this Section. Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category as specified in Subsection B.1.a of this Section.
- C. Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet the requirements specified in Subsection C.1-4 of this Section:
- 1. the owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure shall be determined using the procedures specified in LAC 33:V.1753.C. Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in Subsection B.1.a of this Section, as applicable to the tank;
  - 2. the tank shall be equipped with a fixed roof designed to meet the following specifications:
    - a. the fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch);
    - b. the fixed roof shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall;
    - c. each opening in the fixed roof, and any manifold system associated with the fixed roof, shall be either:
      - i. equipped with a closure device designed to operate such that when the closure device is secured in the closed position there

are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

- ii. connected by a closed-vent system that is vented to a control device. The control device shall remove or destroy organics in the vent stream, and shall be operating whenever hazardous waste is managed in the tank, except as follows:
    - (a). during periods when it is necessary to provide access to the tank for performing the activities of Subsection C.2.c.ii.(b) of this Section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; or
    - (b). during periods of routine inspection, maintenance, or other activities needed for normal operations, and for removal of accumulated sludge or other residues from the bottom of the tank;
  - d. the fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed;
3. whenever a hazardous waste is in the tank, the fixed roof shall be installed with each closure device secured in the closed position except as follows:
- a. opening of closure devices or removal of the fixed roof is allowed at the following times:
    - i. to provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank;

- ii. to remove accumulated sludge or other residues from the bottom of the tank;
  - b. opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations;
  - c. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition;
4. the owner or operator shall inspect the air emission control equipment in accordance with the following requirements:
- a. the fixed roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;
  - b. the owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except under the special conditions provided for in Subsection L of this Section;
  - c. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and
  - d. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B.

- D. Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls shall use one of the following tanks:**
- 1. a fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in Subsection E of this Section;**
  - 2. a tank equipped with an external floating roof in accordance with the requirements specified in Subsection F of this Section;**
  - 3. a tank vented through a closed-vent system to a control device in accordance with the requirements specified in Subsection G of this Section;**
  - 4. a pressure tank designed and operated in accordance with the requirements specified in Subsection H of this Section; or**
  - 5. a tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in Subsection I of this Section.**
- E. The owner or operator who controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in Subsection E.1-3 of this Section.**
- 1. the tank shall be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:**
    - a. the internal floating roof shall be designed to float on the liquid surface except when the floating roof must be supported by the leg supports;**
    - b. the internal floating roof shall be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:**
      - i. a single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in LAC 33:V.4721; or**
      - ii. two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal;**
    - c. the internal floating roof shall meet the following specifications:**
      - i. each opening in a noncontact internal floating roof, except for automatic bleeder vents (vacuum breaker vents) and the rim space vents, is to provide a projection below the liquid surface;**
      - ii. each opening in the internal floating roof shall be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains;**

- iii. each penetration of the internal floating roof for the purpose of sampling shall have a slit fabric cover that covers at least 90 percent of the opening;
  - iv. each automatic bleeder vent and rim space vent shall be gasketed;
  - v. each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover; and
  - vi. each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover;
2. the owner or operator shall operate the tank in accordance with the following requirements:
- a. when the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be completed as soon as practical;
  - b. automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports; and
  - c. prior to filling the tank, each cover, access hatch, gauge float well, or lid on any opening in the internal floating roof shall be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting;
3. the owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
- a. the floating roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the internal floating roof is not floating on the surface of the liquid inside the tank; liquid has accumulated on top of the internal floating roof; any portion of the roof seals have detached from the roof rim; holes, tears, or other openings are visible in the seal fabric; the gaskets no longer close off the hazardous waste surface from the atmosphere; or the slotted membrane has more than 10 percent open area;
  - b. the owner or operator shall inspect the internal floating roof components as follows, except as provided in Subsection E.3.c of this Section:
    - i. visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill; and



- ii. visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every 10 years;
  - c. as an alternative to performing the inspections specified in Subsection E.3.b of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every 5 years;
  - d. prior to each inspection required by Subsection E.3.b or c of this Section, the owner or operator shall notify the administrative authority in advance of each inspection to provide the administrative authority with the opportunity to have an observer present during the inspection. The owner or operator shall notify the administrative authority of the date and location of the inspection as follows:
    - i. prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the administrative authority at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in Subsection E.3.d.ii of this Section;
    - ii. when a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the administrative authority as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the administrative authority at least seven calendar days before refilling the tank;
  - e. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and
  - f. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B.
4. safety devices, as defined in LAC 33:V.4721, may be installed and operated as necessary on any tank complying with the requirements of Subsection E of this Section.

**F. The owner or operator who controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in Subsection F.1-3 of this Section.**

**1. the owner or operator shall design the external floating roof in accordance with the following requirements:**

**a. the external floating roof shall be designed to float on the liquid surface except when the floating roof must be supported by the leg supports;**

**b. the floating roof shall be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal;**

**i. the primary seal shall be a liquid-mounted seal or a metallic shoe seal, as defined in LAC 33:V.4721. The total area of the gaps between the tank wall and the primary seal shall not exceed 212 square centimeters (cm<sup>2</sup>) per meter of tank diameter, and the width of any portion of these gaps shall not exceed 3.8 centimeters (cm). If a metallic shoe seal is used for the primary seal, the metallic shoe seal shall be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters above the liquid surface; and**

**ii. the secondary seal shall be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal shall not exceed 21.2 square centimeters (cm<sup>2</sup>) per meter of tank diameter, and the width of any portion of these gaps shall not exceed 1.3 centimeters (cm); and**

**c. the external floating roof shall meet the following specifications:**

**i. except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface;**

**ii. except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a gasketed cover, seal, or lid;**

**iii. each access hatch and each gauge float well shall be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position;**

**iv. each automatic bleeder vent and each rim space vent shall be equipped with a gasket;**

- v. each roof drain that empties into the liquid managed in the tank shall be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening;
  - vi. each unslotted and slotted guide pole well shall be equipped with a gasketed sliding cover or a flexible fabric sleeve seal;
  - vii. each unslotted guide pole shall be equipped with a gasketed cap on the end of the pole;
  - viii. each slotted guide pole shall be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere; and
  - ix. each gauge hatch and each sample well shall be equipped with a gasketed cover;
2. the owner or operator shall operate the tank in accordance with the following requirements:
- a. when the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be completed as soon as practical;
  - b. except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be secured and maintained in a closed position at all times except when the closure device must be open for access;
  - c. covers on each access hatch and each gauge float well shall be bolted or fastened when secured in the closed position;
  - d. automatic bleeder vents shall be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports;
  - e. rim space vents shall be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting;
  - f. the cap on the end of each unslotted guide pole shall be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank;
  - g. the cover on each gauge hatch or sample well shall be secured in the closed position at all times except when the hatch or well must be opened for access; and
  - h. both the primary seal and the secondary seal shall completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections;

3. the owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
  - a. the owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:
    - i. the owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years;
    - ii. the owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year;
    - iii. if a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank shall be considered an initial operation for the purposes of Subsection F.3.a.i and ii of this Section;
    - iv. the owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the following procedure:
      - (a). the seal gap measurements shall be performed at one or more floating roof levels when the roof is floating off the roof supports;
      - (b). seal gaps, if any, shall be measured around the entire perimeter of the floating roof in each place where a 0.32-centimeter (cm) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location;
      - (c). for a seal gap measured under Subsection F.3 of this Section, the gap surface area shall be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance;
      - (d). the total gap area shall be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type as specified in Subsection F.1.b of this Section.

- v. in the event that the seal gap measurements do not conform to the specifications in Subsection F.1.b of this Section, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and
  - vi. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B;
- b. the owner or operator shall visually inspect the external floating roof in accordance with the following requirements:
  - i. the floating roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;
  - ii. the owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in Subsection L of this Section;
  - iii. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and
  - iv. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B;
- c. prior to each inspection required by Subsection F.3.a or F.3.b of this Section, the owner or operator shall notify the administrative authority in advance of each inspection to provide the administrative authority with the opportunity to have an observer present during the inspection. The owner or operator shall notify the administrative authority of the date and location of the inspection as follows:
  - i. prior to each inspection to measure external floating roof seal gaps as required under Subsection F.3.a of this Section, written notification shall be prepared and sent by the owner or operator so that it is received by the administrative authority at

least 30 calendar days before the date the measurements are scheduled to be performed;

ii. prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the administrative authority at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in Subsection F.3.c.iii of this Section; and

iii. when a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the administrative authority as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation stating why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the administrative authority at least seven calendar days before refilling the tank.

4. safety devices, as defined in LAC 33:V.4721, may be installed and operated as necessary on any tank complying with the requirements of Subsection F of this Section.

G. The owner or operator who controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in Subsection G.1-3 of this Section:

1. the tank shall be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

a. the fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the liquid in the tank;

b. each opening in the fixed roof not vented to the control device shall be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices shall be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is

operating, the closure device shall be designed to operate with no detectable organic emissions;

- c. the fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed; and
  - d. the closed-vent system and control device shall be designed and operated in accordance with the requirements of LAC 33:V.1761;
2. whenever a hazardous waste is in the tank, the fixed roof shall be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:
- a. venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:
    - i. to provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank; and
    - ii. to remove accumulated sludge or other residues from the bottom of a tank;
  - b. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition;
3. the owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:
- a. the fixed roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or

**gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;**

- b. the closed-vent system and control device shall be inspected and monitored by the owner or operator in accordance with the procedures specified in LAC 33:V.1761;
  - c. the owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except for the special conditions provided for in Subsection L of this Section;
  - d. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and
  - e. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B;
- H. The owner or operator who controls air pollutant emissions by using a pressure tank shall meet the following requirements:
  - 1. the tank shall be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity;
  - 2. all tank openings shall be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in LAC 33:V.1753.D; and
  - 3. whenever a hazardous waste is in the tank, the tank shall be operated as a closed system that does not vent to the atmosphere except under either of the following conditions as specified in Subsection H.3.a and b of this Section:
    - a. at those times when opening of a safety device, as defined in LAC 33:V.1703, is required to avoid an unsafe condition; or
    - b. at those times when purging of Inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of LAC 33:V.1761.
- I. The owner or operator who controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall meet the requirements specified in Subsection I.1-4 of this Section:
  - 1. the tank shall be located inside an enclosure. The enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure as specified in Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure under 40



CFR 52.741, appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in section 5.0 to Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure initially when the enclosure is first installed and, thereafter, annually;

2. the enclosure shall be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in LAC 33:V.1761;
  3. safety devices, as defined in LAC 33:V.4721, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of Subsection I.1 and 2 of this Section; and
  4. the owner or operator shall inspect and monitor the closed-vent system and control device as specified in LAC 33:V.1761.
- J. The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:
1. transfer of hazardous waste, except as provided in Subsection J.2 of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to LAC 33:V.1757 shall be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR part 63, subpart RR—National Emission Standards for Individual Drain Systems; and
  2. the requirements of Subsection J.1 of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:
    - a. the hazardous waste meets the average VO concentration conditions specified in LAC 33:V.1751.C.1 at the point of waste origination;
    - b. the hazardous waste has been treated by an organic destruction or removal process to meet the requirements in LAC 33:V.1751.C.2; or
    - c. the hazardous waste meets the requirements of LAC 33:V.1751.C.4.
- K. The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of Subsection C.4, E.3, F.3, or G.3 of this Section as follows:

1. the owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible, but no later than 45 calendar days after detection, except as provided in Subsection K.2 of this Section; and
  2. repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect shall be completed before the process or unit resumes operation.
- L. Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subchapter, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:
1. in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
    - a. prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required; and
    - b. develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable section of this Subchapter, as frequently as practicable during those times when a worker can safely access the cover; and
  2. in the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

**§1757. Standards: Surface Impoundments**

- A. The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which LAC 33:V.1751.B references the use of this Section for such air emission control.

**Response**

Exide has no surface impoundments; therefore, this section does not apply.

- B. The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following:**
- 1. a floating membrane cover in accordance with the provisions specified in Subsection C of this Section; or**
  - 2. a cover that is vented through a closed-vent system to a control device in accordance with the provisions specified in Subsection D of this Section.**
- C. The owner or operator who controls air pollutant emissions from a surface impoundment using a floating membrane cover shall meet the requirements specified in Subsection C.1-3 of this Section.**
- 1. the surface impoundment shall be equipped with a floating membrane cover designed to meet the following specifications:**
    - a. the floating membrane cover shall be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid;**
    - b. the cover shall be fabricated from a synthetic membrane material that is either:**
      - i. high density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm); or**
      - ii. a material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in Subsection C.1.b.i of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material;**
    - c. the cover shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings;**
    - d. except as provided for in Subsection C.1.e of this Section, each opening in the floating membrane cover shall be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device;**
    - e. the floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain shall be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal; and**
    - f. the closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to**

the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices shall include: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed;

2. whenever a hazardous waste is in the surface impoundment, the floating membrane cover shall float on the liquid and each closure device shall be secured in the closed position except as follows:
  - a. opening of closure devices or removal of the cover is allowed at the following times:
    - i. to provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly replace the cover and secure the closure device in the closed position, as applicable; and
    - ii. to remove accumulated sludge or other residues from the bottom of the surface impoundment; and
  - b. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition; and
3. the owner or operator shall inspect the floating membrane cover in accordance with the following procedures:
  - a. the floating membrane cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices; and
  - b. the owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the

- inspections at least once every year, except for the special conditions provided for in Subsection G of this Section;
- c. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection F of this Section; and
  - d. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.C.
- D. The owner or operator who controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in Subsection D.1-3 of this Section.
- 1. the surface impoundment shall be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:
    - a. the cover and its closure devices shall be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment;
    - b. each opening in the cover not vented to the control device shall be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices shall be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device shall be designed to operate with no detectable organic emissions using the procedure specified in LAC 33:V.1753.D;
    - c. the cover and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices shall include: organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed; and
    - d. the closed-vent system and control device shall be designed and operated in accordance with the requirements of LAC 33:V.1761;

- 2. whenever a hazardous waste is in the surface impoundment, the cover shall be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:**
  - a. venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:**
    - i. to provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment; and**
    - ii. to remove accumulated sludge or other residues from the bottom of the surface impoundment;**
  - b. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition;**
- 3. the owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:**
  - a. the surface impoundment cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;**
  - b. the closed-vent system and control device shall be inspected and monitored by the owner or operator in accordance with the procedures specified in LAC 33:V.1761;**
  - c. the owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except for the special conditions provided for in Subsection G of this Section;**
  - d. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection F of this Section; and**

- e. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.C.**

**E. The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:**

- 1. transfer of hazardous waste, except as provided in Subsection E.2 of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to LAC 33:V.1755 shall be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR part 63, subpart RR—National Emission Standards for Individual Drain Systems; and**
- 2. the requirements of Subsection E.1 of this Section do not apply when transferring a hazardous waste to the surface impoundment under either of the following conditions:**
  - a. the hazardous waste meets the average VO concentration conditions specified in LAC 33:V.1751.C.1 at the point of waste origination;**
  - b. the hazardous waste has been treated by an organic destruction or removal process to meet the requirements in LAC 33:V.1751.C.2;**
  - c. the hazardous waste meets the requirements of LAC 33:V.1751.C.4.**

**F. The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of Subsection C.3 or D.3 of this Section:**

- 1. the owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible, but no later than 45 calendar days, after detection except as provided in Subsection F.2 of this Section;**
- 2. repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the surface impoundment stops operation. Repair of the defect shall be completed before the process or unit resumes operation.**

**G. Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subchapter, subsequent inspection and monitoring may be performed at intervals longer than one year in the case**

when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

1. prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required; and
2. develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable section of this Subchapter as frequently as practicable during those times when a worker can safely access the cover.

#### **§1759. Standards: Containers**

- A. The provisions of this Section apply to the control of air pollutant emissions from containers for which LAC 33:V.1751.B references the use of this Section for such air emission control.

##### **Response**

Exide stores hazardous waste in DOT approved 55-gallon drums in the K069/D008 container storage area.

#### **B. General Requirements**

1. The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in Subsection B.2 of this Section apply to the container:
  - a. for a container having a design capacity greater than 0.1 m<sup>3</sup> and less than or equal to 0.46 m<sup>3</sup>, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in Subsection C of this Section;

##### **Response**

Exide stores hazardous wastes in containers with design capacities greater than 0.1 m<sup>3</sup> and less than or equal to 0.46 m<sup>3</sup>. Air pollutant emissions from these containers will be controlled per Level 1 standards.

- b. for a container having a design capacity greater than 0.46 m<sup>3</sup> that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in Subsection C of this Section; and
    - c. for a container having a design capacity greater than 0.46 m<sup>3</sup> that is in light material service, the owner or operator shall control air



**pollutant emissions from the container in accordance with the Container Level 2 standards specified in Subsection D of this Section.**

- 2. When a container having a design capacity greater than 0.1 m<sup>3</sup> is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in Subsection E of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.**

**C. Container Level 1 Standards**

- 1. A container using Container Level 1 controls is one of the following:**
  - a. a container that meets the applicable U.S. Department of Transportation (DOT) regulations on packaging hazardous materials for transportation, as specified in Subsection F of this Section;**
  - b. a container equipped with a cover and closure devices that form a continuous barrier over the container openings such that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap);**
  - c. an open-top container in which an organic-vapor-suppressing barrier is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor-suppressing foam.**

**Response**

**Hazardous waste is stored in DOT approved 55 gallon drums.**

- 2. A container used to meet the requirements of Subsection C.1.b or c of this Section shall be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity, for as long as the container is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices shall include: organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.**

### **Response**

Exide does not use containers to meet the requirements of subsection C.1.b or c of this section.

3. **Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:**
  - a. **opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:**
    - i. **in the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation; and**
    - ii. **in the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level, the completion of a batch loading after which no additional material will be added to the container within 15 minutes, the person performing the loading operation leaving the immediate vicinity of the container, or the shutdown of the process generating the material being added to the container, whichever condition occurs first;**

### **Response**

Containers holding hazardous wastes are kept closed during storage except when adding or removing waste. Container storage areas are inspected for open containers and noted on an inspection form. An example inspection form has been included with the Inspection Plan and Schedule in Appendix 5.

- b. **opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:**
  - i. **for the purpose of meeting the requirements of this Section an empty container, as defined in LAC 33:V.109, may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container);**

- ii. in the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in LAC 33:V.109, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first;

**Response**

Containers holding hazardous wastes are kept closed during storage except when adding or removing waste. Container storage areas are inspected for open containers and noted on an inspection form. An example inspection form has been included with the Inspection Plan and Schedule in Appendix 5.

- c. opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container;

**Response**

Exide acknowledges and understands this requirement.

- d. opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open

are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations; and

**Response**

Exide acknowledges and understands this requirement.

- e. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition.

**Response**

Exide acknowledges and understands this requirement.

- 4. The owner or operator of containers using Container Level 1 controls shall inspect the containers and their covers and closure devices as follows:

- a. in the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for an empty container as specified in LAC 33:V.109), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection shall be conducted on or before the date that the LAC 33:V.Chapter 17.Subchapter C container is accepted at the facility (i.e., the date the container becomes subject to the container standards of this Section). For purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest (EPA Forms 8700-22 and 8700-22A, DEQ Form HW-3), as required under LAC 33:V.905. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection C.4.c of this Section;
- b. in the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and, thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected,

**the owner or operator shall repair the defect in accordance with the requirements of Subsection C.4.c of this Section;**

- c. when a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair shall be completed as soon as possible, but no later than five calendar days, after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste shall be removed from the container and the container shall not be used to manage hazardous waste until the defect is repaired.**

**Response**

Exide will comply with these requirements. Weekly inspections of the container storage areas, K069 container storage area, the 90-day nickel-cadmium batteries in drums, and the byproduct and sludge containers in other areas of the plant, are performed. The inspection form (provided in Appendix 5) includes the inspection of specific items at each hazardous waste unit. Any defect noted during the inspection will be repaired as soon as possible.

- 5. The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with a capacity of 0.46 m<sup>3</sup> or greater, which do not meet applicable DOT regulations as specified in Subsection F of this Section, are not managing hazardous waste in light material service.**

**Response**

Exide will comply with this requirement if such a container is handled.

**D. Container Level 2 Standards**

- 1. A container using Container Level 2 controls is one of the following:**
  - a. a container that meets the applicable DOT regulations on packaging hazardous materials for transportation, as specified in Subsection F of this Section;**
  - b. a container that operates with no detectable organic emissions as defined in LAC 33:V.4721 and determined in accordance with the procedure specified in Subsection G of this Section;**
  - c. a container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR part 60, appendix A, Method 27 in accordance with the procedure specified in Subsection H of this Section.**

### **Response**

Exide has no containers using Level 2 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 2 controls.

2. **Transfer of hazardous waste in or out of a container using Container Level 2 controls shall be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the EPA considers to meet the requirements of this Paragraph include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container, a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations, or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.**

### **Response**

Exide has no containers using Level 2 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 2 controls.

3. **Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container and secure and maintain each closure device in the closed position except as follows:**
  - a. **opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:**
    - i. **In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation;**
    - ii. **in the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level, the completion of a batch loading after which no additional material will be added to the container within 15 minutes, the person performing the loading operation**

leaving the immediate vicinity of the container, or the shutdown of the process generating the material being added to the container, whichever condition occurs first;

- b. opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:
  - i. for the purpose of meeting the requirements of this Section an empty container, as defined in LAC 33:V.109, may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container);
  - ii. in the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in LAC 33:V.109, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first;
- c. opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container;
- d. opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device shall be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of

normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations;

- e. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition.

**Response**

Exide has no containers using Level 2 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 2 controls.

- 4. The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:
  - a. in the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied within 24 hours after the container is accepted at the facility (i.e., does not meet the conditions for an empty container as specified in LAC 33:V.109), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection shall be conducted on or before the date that the container is accepted at the facility (i.e., the date the container becomes subject to the LAC 33:V.Chapter 17.Subchapter C container standards of this Section). For purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest (EPA Forms 8700-22 and 8700-22A, DEQ Form HW-3), as required under LAC 33:V.905. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection D.4.c of this Section;
  - b. in the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and, thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected,



the owner or operator shall repair the defect in accordance with the requirements of Subsection D.4.c of this Section;

- c. when a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair shall be completed as soon as possible, but no later than five calendar days, after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste shall be removed from the container and the container shall not be used to manage hazardous waste until the defect is repaired.

**Response**

Exide has no containers using Level 2 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 2 controls.

**E. Container Level 3 Standards**

1. A container using Container Level 3 controls is one of the following:
  - a. a container that is vented directly through a closed-vent system to a control device in accordance with the requirements of Subsection E.2.b of this Section;
  - b. a container that is vented inside an enclosure that is exhausted through a closed-vent system to a control device in accordance with the requirements of Subsection E.2.a and b of this Section.

**Response**

Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

2. The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:
  - a. the container enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure as specified in Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure under 40 CFR 52.741, appendix B. The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment, or direct airflow into the enclosure. The owner or operator shall perform the verification

procedure for the enclosure as specified in section 5.0 to Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure initially when the enclosure is first installed and, thereafter, annually; and

- b. the closed-vent system and control device shall be designed and operated in accordance with the requirements of LAC 33:V.1761.

**Response**

Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

3. Safety devices, as defined in LAC 33:V.4721, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of Subsection E.1 of this Section.

**Response**

Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

4. Owners and operators using Container Level 3 controls in accordance with the provisions of this Subchapter shall inspect and monitor the closed-vent systems and control devices as specified in LAC 33:V.1761.

**Response**

Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

5. Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subchapter shall prepare and maintain the records specified in LAC 33:V.1765.D.

**Response**

Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

6. Transfer of hazardous waste in or out of a container using container level 3 controls shall be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste

and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the department considers to meet the requirements of this Paragraph include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

**Response**

Exide has no containers using Level 3 control; therefore, this section is not currently applicable. Exide acknowledges, understands and will comply with this requirement if containers are used that require Level 3 controls.

- F. For the purpose of compliance with Subsection C.1.a or D.1.a of this Section, containers shall be used that meet the applicable DOT regulations on packaging hazardous materials for transportation as follows:**
- 1. the container meets the applicable requirements specified in 49 CFR part 178—Specifications for Packaging or 49 CFR part 179—Specifications for Tank Cars;**

**Response**

Exide acknowledges and understands this requirement.

- 2. hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR part 107, subpart B—Exemptions; 49 CFR part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements; 49 CFR part 173—Shippers—General Requirements for Shipments and Packages; and 49 CFR part 180—Continuing Qualification and Maintenance of Packagings;**

**Response**

Exide acknowledges and understands this requirement.

- 3. for the purpose of complying with this Subchapter, no exceptions to the 49 CFR part 178 or part 179 regulations are allowed except as provided for in Subsection F.4 of this Section; and**

**Response**

Exide acknowledges and understands this requirement.

4. for a lab pack that is managed in accordance with the requirements of 49 CFR part 178 for the purpose of complying with this Subchapter, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).

**Response**

Exide acknowledges and understands this requirement.

- G. To determine compliance with the detectable organic emissions requirement of Subsection D.1.b of this Section, the procedure specified in LAC 33:V.1753.D shall be used.**

1. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, shall be checked. Potential leak interfaces that are associated with containers include, but are not limited to, the interface of the cover rim and the container wall, the periphery of any opening on the container or container cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure-relief valve.

**Response**

Subsection D.1.b is not applicable; therefore, this section is not applicable.

2. The test shall be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices shall be secured in the closed position.

**Response**

Subsection D.1.b is not applicable; therefore, this section is not applicable.

- H. The owner or operator shall use the procedure for determining a container to be vapor-tight using Method 27 of 40 CFR part 60, appendix A for the purpose of complying with Subsection D.1.c of this Section.**

1. The test shall be performed in accordance with Method 27 of 40 CFR part 60, appendix A.

**Response**

Subsection D.1.c is not applicable; therefore, this section is not applicable.

2. A pressure measurement device shall be used that has a precision of  $\pm 2.5$  mm water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

**Response**

Subsection D.1.c is not applicable; therefore, this section is not applicable.

3. If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals within five minutes after it is pressurized to a minimum of 4,500 Pascals, then the container is determined to be vapor-tight.

**Response**

Subsection D.1.c is not applicable; therefore, this section is not applicable.

**§1761. Standards: Closed-Vent Systems and Control Devices**

- A. This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subchapter.

**Response**

Exide does not operate a closed-vent system or control device to control air emissions in accordance with the standards of this subchapter.

- B. The closed-vent system shall meet the following requirements:

1. shall route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in Subsection C of this Section;
2. shall be designed and operated in accordance with the requirements specified in LAC 33:V.1709.K;
3. in the case when the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device shall be equipped with either a flow indicator as specified in Subsection B.3.a of this Section or a seal or locking device as specified in Subsection B.3.b of this Section. For the purpose of complying with this Paragraph, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure-relief valves, and other fittings used for safety purposes are not considered to be bypass devices:
  - a. if a flow indicator is used to comply with this Subsection, the indicator shall be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For this

paragraph, a flow indicator means a device that indicates the presence of either gas or vapor flow in the bypass line;

- b. if a seal or locking device is used to comply with this Subsection, the device shall be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle, damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position;
4. shall be inspected and monitored by the owner or operator in accordance with the procedure specified in LAC 33:V.1709.L.

**Response**

Exide does not operate a closed-vent system or control device to control air emissions in accordance with the standards of this subchapter.

**C. The control device shall meet the following requirements:**

1. shall be one of the following devices:
  - a. a control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;
  - b. an enclosed combustion device designed and operated in accordance with the requirements of LAC 33:V.1709.C; or
  - c. a flare designed and operated in accordance with the requirements of LAC 33:V.1709.D;
2. the owner or operator who elects to use a closed-vent system and control device to comply with the requirements of this Section shall comply with the requirements specified in Subsection C.2.a-f of this Section:
  - a. periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of Subsection C.1.a, b, or c of this Section, as applicable, shall not exceed 240 hours per year;
  - b. the specifications and requirements in Subsection C.1.a, b, or c of this Section for control devices do not apply during periods of planned routine maintenance;

- c. the specifications and requirements in Subsection C.1.a, b, or c of this Section for control devices do not apply during a control device system malfunction;
  - d. the owner or operator shall demonstrate compliance with the requirements of Subsection C.2.a of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of Subsection C.1.a, b, or c of this Section, as applicable, shall not exceed 240 hours per year) by recording the information specified in LAC 33:V.1765.E.1.e;
  - e. the owner or operator shall correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants; and
  - f. the owner or operator shall operate the closed-vent system such that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally) except in cases when it is necessary to vent the gases, vapors, and/or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions;
- 3. the owner or operator using a carbon adsorption system to comply with Subsection C.1 of this Section shall operate and maintain the control device in accordance with the following requirements:
  - a. following the initial startup of the control device, all activated carbon in the control device shall be replaced with fresh carbon on a regular basis in accordance with the requirements of LAC 33:V.1709.G or H; and
  - b. all carbon that is a hazardous waste and that is removed from the control device shall be managed in accordance with the requirements of LAC 33:V.1709.N, regardless of the average volatile organic concentration of the carbon;
- 4. an owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with Subsection C.1 of this Section shall operate and maintain the control device in accordance with the requirements of LAC 33:V.1709.J;
- 5. the owner or operator shall demonstrate that a control device achieves the performance requirements of Subsection C.1 of this Section as follows:
  - a. an owner or operator shall demonstrate, using either a performance test as specified in Subsection C.5.c of this Section or a design analysis as specified in Subsection C.5.d of this Section, the performance of each control device except for the following:

- i. a flare;
    - ii. a boiler or process heater with a design heat input capacity of 44 megawatts or greater;
    - iii. a boiler or process heater into which the vent stream is introduced with the primary fuel;
    - iv. a boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under LAC 33:V.Chapter 5 and has designed and operates the unit in accordance with the requirements of LAC 33:V.Chapter 30; or
    - v. a boiler or industrial furnace burning hazardous waste for which the owner or operator has designed and operates in accordance with the interim status requirements of LAC 33:V.Chapter 30;
  - b. an owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in LAC 33:V.1709.E;
  - c. for a performance test conducted to meet the requirements of Subsection C.5.a of this Section, the owner or operator shall use the test methods and procedures specified in LAC 33:V.1711.C.1-4;
  - d. for a design analysis conducted to meet the requirements of Subsection C.5.a of this Section, the design analysis shall meet the requirements specified in LAC 33:V.1713.B.4.c; and
  - e. the owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of Subsection C.1 of this Section based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal;
6. if the owner or operator and the administrative authority do not agree on a demonstration of control device performance using a design analysis, then the disagreement shall be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of Subsection C.5.c of this Section. The administrative authority may choose to have an authorized representative observe the performance test; and
7. the closed-vent system and control device shall be inspected and monitored by the owner or operator in accordance with the procedures specified in LAC 33:V.1709.F.2 and L. The readings from each monitoring device required by LAC 33:V.1709.F.2 shall be inspected at least once each operating day to check control device operation. Any necessary corrective measures shall be immediately implemented to



ensure the control device is operated in compliance with the requirements of this Section.

**Response**

Exide does not operate a closed-vent system or control device to control air emissions in accordance with the standards of this subchapter.

**§1763. Inspection and Monitoring Requirements**

- A. The owner or operator shall inspect and monitor air emission control equipment used to comply with this Chapter in accordance with the applicable requirements specified in LAC 33:V.1755-1761.

**Response**

Inspections of the container storage areas are performed as described in Appendix 5. An example of the inspection form is also included in Appendix 5. The inspection form includes the specific items inspected at each hazardous waste unit.

- B. The owner or operator shall develop and implement a written plan and schedule to perform the inspections and monitoring required by Subsection A of this Section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under LAC 33:V.1509.

**Response**

Exide has developed and implemented a written plan and schedule to perform inspections, which has been incorporated into the inspection plan required under LAC 33:V.1509.

**§1765. Recordkeeping Requirements**

- A. Each owner or operator of a facility subject to requirements in this Subchapter shall record and maintain the information specified in Subsections B - J of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by Subsections I and J of this Section, records required by this Section shall be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation shall be maintained in the operating record until the air emission control equipment is replaced or otherwise no longer in service. Information required by Subsections I and J of this Section shall be maintained in the operating record for as long as the waste management unit is not using air emission controls specified in LAC 33:V.1755 -1761 in accordance with the conditions specified in LAC 33:V.1747.B.7 or D, respectively.

### **Response**

Exide acknowledges, understands, and will comply with this requirement. All inspections are recorded and the records are maintained at the site by the personnel safety director.

- B. The owner or operator of a tank using air emission controls in accordance with the requirements of LAC 33:V.1755 shall prepare and maintain records for the tank that include the following information:**
- 1. for each tank using air emission controls in accordance with the requirements of LAC 33:V.1755, the owner or operator shall record:**
    - a. a tank identification number (or other unique identification description as selected by the owner or operator); and**
    - b. a record for each inspection required by LAC 33:V.1755 that includes the following information:**
      - i. date inspection was conducted; and**
      - ii. for each defect detected during the inspection the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the requirements of LAC 33:V.1755, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected; and**
  - 2. in addition to the information required by Subsection B.1 of this Section, the owner or operator shall record the following information, as applicable to the tank:**
    - a. the owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in LAC 33:V.1755.C shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of LAC 33:V.1755.C. The records shall include the date and time the samples were collected, the analysis method used, and the analysis results;**

### **Response**

Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this section does not apply.

- b. the owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in LAC 33:V.1755.E shall prepare and maintain documentation describing the floating roof design;**

**Response**

Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this section does not apply.

- c. **owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in LAC 33:V.1755.F shall prepare and maintain the following records:**
  - i. **documentation describing the floating roof design and the dimensions of the tank; and**
  - ii. **records for each seal gap inspection required by LAC 33:V.1755.F.3 describing the results of the seal gap measurements. The records shall include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in LAC 33:V.1755.F.1, the records shall include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary; and**

**Response**

Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this section does not apply.

- d. **each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in LAC 33:V.1755.I shall prepare and maintain the following records:**
  - i. **records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure under 40 CFR 52.741, appendix B; and**
  - ii. **records required for the closed-vent system and control device in accordance with the requirements of Subsection E of this Section.**

**Response**

Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this section does not apply.

- C. **The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of LAC 33:V.1757 shall**

prepare and maintain records for the surface impoundment that include the following information:

1. a surface impoundment identification number (or other unique identification description as selected by the owner or operator);
2. documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the specifications listed in LAC 33:V.1757.C;
3. a record for each inspection required by LAC 33:V.1757 that includes the following information:
  - a. date inspection was conducted; and
  - b. for each defect detected during the inspection, include the following, the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of LAC 33:V.1757.F, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected; and
4. for a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in Subsection E of this Section.

**Response**

Exide has no surface impoundments; therefore, this section does not apply.

- D. The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of LAC 33:V.1759 shall prepare and maintain records that include the following information:
1. records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure under 40 CFR 52.741, appendix B; and
  2. records required for the closed-vent system and control device in accordance with the requirements of Subsection E of this Section.

**Response**

Exide has no containers using Container Level 3 air emission controls; therefore this section does not apply.

- E. The owner or operator using a closed-vent system and control device in accordance with the requirements of LAC 33:V.1761 shall prepare and maintain records that include documentation for the closed-vent system and control device that includes:**
- 1. certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in Subsection E.2 of this Section or by performance tests as specified in Subsection E.3 of this Section when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur;**
  - 2. if a design analysis is used, then design documentation as specified in LAC 33:V.1713.B.4. The documentation shall include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with LAC 33:V.1713.B.4.c and certification by the owner or operator that the control equipment meets the applicable specifications;**
  - 3. if performance tests are used, then a performance test plan as specified in LAC 33:V.1713.B.3 and all test results;**
  - 4. information as required by LAC 33:V.1713.C.1 and 2, as applicable;**
  - 5. an owner or operator shall record, on a semiannual basis, the information specified in Subsection E.5.a and b of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of LAC 33:V.1761.C.1.a, b, or c, as applicable:**
    - a. a description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description shall include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods; and**
    - b. a description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description shall include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of LAC 33:V.1761.C.1.a, b, or c, as applicable, due to planned routine maintenance;**
  - 6. an owner or operator shall record the information specified in Subsection E.6.a-c of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of LAC 33:V.1761.C.1.a, b, or c, as applicable:**

- a. the occurrence and duration of each malfunction of the control device system;
  - b. the duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning; and
  - c. actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation; and
7. records of the management of carbon removed from a carbon adsorption system conducted in accordance with LAC 33:V.1761.C.3.b.

**Response**

Exide does not operate a closed-vent system or control devices; therefore, this section does not apply.

- F. The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of LAC 33:V.1751.C shall prepare and maintain the following records, as applicable:
  1. for tanks, surface impoundments, and containers exempted under the hazardous waste organic concentration conditions specified in LAC 33:V.1751.C.1 or 2.a-f, the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of LAC 33:V.1753;
  2. for tanks, surface impoundments, or containers exempted under the provisions of LAC 33:V.1751.C.2.g or h, the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

**Response**

Exide does not operate any tanks, surface impoundments, or containers exempted from standards in this chapter; therefore, this section is not currently applicable. If Exide introduces such equipment, these records will be maintained.

- G. An owner or operator designating a cover as "unsafe to inspect and monitor" in accordance with LAC 33:V.1755.L or 1757.G shall record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor"; the explanation for each

**cover stating why the cover is unsafe to inspect and monitor; and the plan and schedule for inspecting and monitoring each cover.**

**Response**

LAC 33:V.1755.L & LAC 33:V.1757.G are not applicable; therefore, this section is not applicable.

- H. The owner or operator of a facility that is subject to this Subchapter and to the control device standards in 40 CFR part 60, subpart VV or 40 CFR part 61, subpart V may elect to demonstrate compliance with the applicable sections of this Subchapter by documentation either in accordance with this Subchapter or the provisions of 40 CFR part 60, subpart VV or 40 CFR part 61, subpart V, to the extent that the documentation required by 40 CFR part 60 or 61 duplicates the documentation required by this Section.**

**Response**

Exide acknowledges and understands this requirement.

- I. For each tank or container not using air emission controls specified in LAC 33:V.1755 - 1761 in accordance with the conditions specified in LAC 33:V.1747.D, the owner or operator shall record and maintain the following information:**
- 1. a list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in LAC 33:V.1747.D.1;**
  - 2. a description of how the hazardous waste containing the organic peroxide compounds identified in Subsection I.1 of this Section are managed at the facility in tanks and containers. This description shall include:**
    - a. for the tanks used at the facility to manage this hazardous waste, sufficient information shall be provided to describe, for each tank, a facility identification number for the tank; the purpose and placement of this tank in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the tanks; and**
    - b. for containers used at the facility to manage these hazardous wastes, sufficient information shall be provided to describe a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste handled in the containers;**
  - 3. an explanation of why managing the hazardous waste containing the organic peroxide compounds identified in Subsection I.1 of this Section in the tanks and containers as described in Subsection I.2 of**

**this Section would create an undue safety hazard if the air emission controls, as required under LAC 33:V.1755 - 1761, are installed and operated on these waste management units. This explanation shall include the following information:**

- a. for tanks used at the facility to manage these hazardous wastes, sufficient information shall be provided to explain how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the tanks, and why installation of safety devices on the required air emission controls, as allowed under this Subchapter, will not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides; and**
- b. for containers used at the facility to manage these hazardous wastes, sufficient information shall be provided to explain how use of the required air emission controls on the containers would affect the container design features and handling procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the containers, and why installation of safety devices on the required air emission controls, as allowed under this Subchapter, will not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.**

**Response**

Exide is not claiming the exemption in LAC 33:V.1747.D; therefore, this section is not applicable.

- J. For each hazardous waste management unit not using air emission controls specified in LAC 33:V.1755 - 1761 in accordance with the requirements of LAC 33:V.1747.B.7, the owner and operator shall record and maintain the following information:**
  - 1. certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63; and**
  - 2. identification of the specific requirements codified under 40 CFR part 60, part 61, or part 63 with which the waste management unit is in compliance.**



### **Response**

Exide is not claiming the exemption in LAC 33:V.1747.B.7; therefore, this Section is not applicable.

## **§1767. Reporting Requirements**

- A. Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of LAC 33:V.1751.C shall report to the administrative authority each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in LAC 33:V.1751.C.1 or 2, as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500 ppmw at the point of waste origination or placing in the waste management unit a treated hazardous waste of which the organic content has been reduced by an organic destruction or removal process that fails to achieve the applicable conditions specified in LAC 33:V.1751.C.2.a-f. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.**

### **Response**

Exide is not claiming the exemption provided in LAC 33:V.1751.C; therefore, this section is not applicable. Exide will comply with this requirement if exempt containers are handled.

- B. Each owner or operator using air emission controls on a tank in accordance with the requirements LAC 33:V.1755.C shall report to the administrative authority each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in LAC 33:V.1755.B. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.**

**Response**

Exide does not treat, store, or dispose of hazardous waste in tanks; therefore, this section is not applicable.

- C. Each owner or operator using a control device in accordance with the requirements of LAC 33:V.1761 shall submit a semiannual written report to the administrative authority, except as provided for in Subsection D of this Section. The report shall describe each occurrence during the previous six-month period when either:**
- 1. a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in LAC 33:V.1713.C.4; or**
  - 2. a flare is operated with visible emissions for five minutes or longer in a two-hour period, as defined in LAC 33:V.1709.D. The written report shall include the EPA identification number, facility name and address, an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator..**

**Response**

Exide does not operate a control device in accordance with the requirements of LAC 33:V.1761; therefore, this section is not applicable.

- D. A report to the administrative authority in accordance with the requirements of Subsection C of this Section is not required for a six-month period during which all control devices subject to this Chapter are operated by the owner or operator such that:**
- 1. during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in LAC 33:V.1713.C.4; and**
  - 2. no flare was operated with visible emissions for five minutes or longer in a two-hour period, as defined in LAC 33:V.1709.D.**

**Response**

Exide is not subject to the requirements in subsection C of this section.

**Appendix**  
**Table 1**  
**Compounds With Henry's Law Constant**  
**Less Than 0.1 Y/X**  
**[At 25°C]**

<b>Compound Name</b>	<b>CAS Number</b>
<b>Acetaldol</b>	<b>107-89-1</b>
<b>Acetamide</b>	<b>60-35-5</b>
<b>2-Acetylaminoflourene</b>	<b>53-96-3</b>
<b>3-Acetyl-5-hydroxypiperidine</b>	
<b>3-Acetylpiperidine</b>	<b>618-42-8</b>
<b>1-Acetyl-2-thiourea</b>	<b>591-08-2</b>
<b>Acrylamide</b>	<b>79-06-1</b>
<b>Acrylic acid</b>	<b>79-10-7</b>
<b>Adenine</b>	<b>73-24-5</b>
<b>Adipic acid</b>	<b>124-04-9</b>
<b>Adiponitrile</b>	<b>111-69-3</b>
<b>Alachlor</b>	<b>15972-60-8</b>
<b>Aldicarb</b>	<b>116-06-3</b>
<b>Ametryn</b>	<b>834-12-8</b>
<b>4-Aminobiphenyl</b>	<b>92-67-1</b>
<b>4-Aminopyridine</b>	<b>504-24-5</b>
<b>Aniline</b>	<b>62-53-3</b>
<b>o-Anisidine</b>	<b>90-04-0</b>
<b>Anthraquinone</b>	<b>84-65-1</b>
<b>Atrazine</b>	<b>1912-24-9</b>
<b>Benzeneearsonic acid</b>	<b>98-05-5</b>
<b>Benzenesulfonic acid</b>	<b>98-11-3</b>
<b>Benzidine</b>	<b>92-87-5</b>
<b>Benzo (a) anthracene</b>	<b>56-55-3</b>
<b>Benzo (k) flouranthene</b>	<b>207-08-9</b>
<b>Benzoic acid</b>	<b>65-85-0</b>
<b>Benzo (g,h,i) perylene</b>	<b>191-24-2</b>
<b>Benzo (a) pyrene</b>	<b>50-32-8</b>
<b>Benzyl alcohol</b>	<b>100-51-6</b>
<b>gamma-BHC</b>	<b>58-89-9</b>
<b>Bis (2-ethylhexyl) phthalate</b>	<b>117-81-7</b>
<b>Bromochloromethyl acetate</b>	
<b>Bromoxynil</b>	<b>1689-84-5</b>
<b>Butyric acid</b>	<b>107-92-6</b>

Caprolactam (hexahydro-2H-azepin-2-one)	105-60-2
Catechol (o-dihydroxybenzene)	120-80-9
Cellulose	9004-34-6
Cell wall	
Chlorohydrin (3 Chloro-1,2-propanediol)	96-24-2
Chloroacetic acid	79-11-8
2-Chloracetophenone	93-76-5
p-Chloroaniline	106-47-8
p-Chlorobenzophenone	134-85-0
Chlorobenzylate	510-15-6
p-Chloro-m-cresol (6-chloro-m-cresol)	59-50-7
3-Chloro-2,5-diketopyrrolidine	
Chloro-1,2-ethane diol	
4-Chlorophenol	106-48-9
Chlorophenol polymers (2-chlorophenol and 4-chlorophenol)	95-57-8 and 106-48-9
1-(o-Chlorophenyl) thiourea	5344-82-1
Chrysene	218-01-9
Citric acid	77-92-9
Creosote	8001-58-9
m-Cresol	108-39-4
o-Cresol	95-48-7
p-Cresol	106-44-5
Cresol (mixed isomers)	1319-77-3
4-Cumylphenol	27576-86
Cyanide	57-12-5
4-Cyanomethyl benzoate	
Diazinon	333-41-5
Dibenzo (a, h) anthracene	53-70-3
Dibutylphthalate	84-74-2
2,5-Dichloroaniline (N,N'-Dichloroaniline)	95-82-9
2,6-Dichlorobenzonitrile	1194-65-6
2,6-Dichloro-4-nitroaniline	99-30-9
2,5-Dichlorophenol	333-41-5
3,4-Dichlorotetrahydrofuran	3511-19
Dichlorvos (DDVP)	62737
Diethanolamine	111-42-2
N,N-Diethylaniline	91-66-7
Diethylene glycol	111-46-6

<b>Diethylene glycol dimethyl ether (dimethyl Carbitol)</b>	<b>111-96-6</b>
<b>Diethylene glycol monobutyl ether (butyl Carbitol)</b>	<b>112-34-5</b>
<b>Diethylene glycol monoethyl ether acetate (Carbitol acetate)</b>	<b>112-15-2</b>
<b>Diethylene glycol monoethyl ether (Carbitol Cellosolve)</b>	<b>111-90-0</b>
<b>Diethylene glycol monomethyl ether (methyl Carbitol)</b>	<b>111-77-3</b>
<b>N,N'-Diethylhydrazine</b>	<b>1615-80-1</b>
<b>Diethyl (4-methylumbelliferyl) thiophosphate</b>	<b>299-45-6</b>
<b>Diethyl phosphorothioate</b>	<b>126-75-0</b>
<b>N,N'-Diethyl propionamide</b>	<b>15299-99-77</b>
<b>Dimethoate</b>	<b>60-51-5</b>
<b>2,3-Dimethoxystrychnidin-10-one</b>	<b>357-57-3</b>
<b>4-Dimethylaminoazobenzene</b>	<b>60-11-7</b>
<b>7,12-Dimethylbenz(a)anthracene</b>	<b>57-97-6</b>
<b>3,3-Dimethylbenzidine</b>	<b>119-93-7</b>
<b>Dimethylcarbamoyl chloride</b>	<b>79-44-7</b>
<b>Dimethyldisulfide</b>	<b>624-92-0</b>
<b>Dimethylformanide</b>	<b>68-12-2</b>
<b>1,1-Dimethylhydrazine</b>	<b>57-14-7</b>
<b>Dimethylphthalate</b>	<b>131-11-3</b>
<b>Dimethylsulfone</b>	<b>67-71-0</b>
<b>Dimethylsulfoxide</b>	<b>67-68-5</b>
<b>4,6-Dinitro-o-cresol</b>	<b>534-52-1</b>
<b>1,2-Diphenylhydrazine</b>	<b>122-66-7</b>
<b>Dipropylene glycol (1,1'-oxydi-2- propanol)</b>	<b>110-98-5</b>
<b>Endrin</b>	<b>72-20-8</b>
<b>Epinephrine</b>	<b>51-43-4</b>
<b>Mono-Ethanolamine</b>	<b>141-43-5</b>
<b>Ethyl carbamate (urethane)</b>	<b>5-17-96</b>
<b>Ethylene glycol</b>	<b>107-21-1</b>
<b>Ethylene glycol monobutyl ether (butyl Cellosolve)</b>	<b>111-76-2</b>
<b>Ethylene glycol monoethyl ether (Cellosolve)</b>	<b>110-80-5</b>
<b>Ethylene glycol monoethyl ether acetate (Cellosolve acetate)</b>	<b>111-15-9</b>
<b>Ethylene glycol monomethyl ether (methyl Cellosolve)</b>	<b>109-86-4</b>

<b>Ethylene glycol monophenyl ether (phenyl Cellosolve)</b>	<b>122-99-6</b>
<b>Ethylene glycol monopropyl ether (propyl Cellosolve)</b>	<b>2807-30-9</b>
<b>Ethylene thiourea (2- imidazolidinethione)</b>	<b>9-64-57</b>
<b>4-Ethylmorpholine</b>	<b>100-74-3</b>
<b>3-Ethylphenol</b>	<b>620-17-7</b>
<b>Flouroacetic acid, sodium salt</b>	<b>62-74-8</b>
<b>Formaldehyde</b>	<b>50-00-0</b>
<b>Formamide</b>	<b>75-12-7</b>
<b>Formic acid</b>	<b>64-18-6</b>
<b>Fumaric acid</b>	<b>110-17-8</b>
<b>Glutaric acid</b>	<b>110-94-1</b>
<b>Glycerin (Glycerol)</b>	<b>56-81-5</b>
<b>Glycidol</b>	<b>556-52-5</b>
<b>Glycinamide</b>	<b>598-41-4</b>
<b>Glyphosate</b>	<b>1071-83-6</b>
<b>Guthion</b>	<b>86-50-0</b>
<b>Hexamethylene-1,6-diisocyanate (1,6-Disocyanatohexane)</b>	<b>822-06-0</b>
<b>Hexamethyl phosphoramidate</b>	<b>680-31-9</b>
<b>Hexanoic acid</b>	<b>142-62-1</b>
<b>Hydrazine</b>	<b>302-01-2</b>
<b>Hydrocyanic acid</b>	<b>74-90-8</b>
<b>Hydroquinone</b>	<b>123-31-9</b>
<b>Hydroxy-2-propionitrile (hydracrylonitrile)</b>	<b>109-78-4</b>
<b>Indeno (1, 2, 3-cd) pyrene</b>	<b>193-39-5</b>
<b>Lead acetate</b>	<b>301-04-2</b>
<b>Lead subacetate (lead acetate, monobasic)</b>	<b>1335-32-6</b>
<b>Leucine</b>	<b>61-90-5</b>
<b>Malathion</b>	<b>121-75-5</b>
<b>Maleic acid</b>	<b>110-16-7</b>
<b>Maleic anhydride</b>	<b>108-31-6</b>
<b>Mesityl oxide</b>	<b>141-79-7</b>
<b>Methane sulfonic acid</b>	<b>75-75-2</b>
<b>Methomyl</b>	<b>16752-77-5</b>
<b>p-Methoxyphenol</b>	<b>150-76-5</b>
<b>Methyl acrylate</b>	<b>96-33-3</b>
<b>4,4'-Methylene-bis-(2-chloroaniline)</b>	<b>101-14-4</b>
<b>4,4-Methylenediphenyl diisocyanate (diphenyl methane diisocyanate)</b>	<b>101-68-8</b>

<b>4,4'-Methylenedianiline</b>	<b>101-77-9</b>
<b>Methylene diphenylamine (MDA)</b>	
<b>5-Methylfurfural</b>	<b>620-02-0</b>
<b>Methylhydrazine</b>	<b>60-34-4</b>
<b>Methyliminoacetic acid</b>	
<b>Methyl methane sulfonate</b>	<b>66-27-3</b>
<b>1-Methyl-2-methoxyaziridine</b>	
<b>Methylparathion</b>	<b>298-00-0</b>
<b>Methyl sulfuric acid (sulfuric acid, dimethyl ester)</b>	<b>77-78-1</b>
<b>4-Methylthiophenol</b>	<b>106-45-6</b>
<b>Monomethylformanide (N-methylformamide)</b>	<b>123-39-7</b>
<b>Nabam</b>	<b>142-59-6</b>
<b>alpha-Naphthol</b>	<b>90-15-3</b>
<b>beta-Naphthol</b>	<b>135-19-3</b>
<b>alpha-Naphthylamine</b>	<b>134-32-7</b>
<b>beta-Naphthylamine</b>	<b>91-59-8</b>
<b>Neopentyl glycol (dimethylopropane)</b>	<b>126-30-7</b>
<b>Niacinamide</b>	<b>98-92-0</b>
<b>o-Nitroaniline</b>	<b>88-74-4</b>
<b>Nitroglycerin</b>	<b>55-63-0</b>
<b>2-Nitrophenol</b>	<b>88-75-5</b>
<b>4-Nitrophenol</b>	<b>100-02-7</b>
<b>N-Nitrosodimethylamine</b>	<b>62-75-9</b>
<b>Nitrasoguanidine</b>	<b>674-81-7</b>
<b>N-Nitroso-n-methylurea</b>	<b>684-93-5</b>
<b>N-Nitrosomorpholine (4-Nitrosomorpholine)</b>	<b>59-89-2</b>
<b>Oxalic acid</b>	<b>144-62-7</b>
<b>Parathion</b>	<b>56-38-2</b>
<b>Pentaerythritol</b>	<b>115-77-5</b>
<b>Phenacetin</b>	<b>62-44-2</b>
<b>Phenol</b>	<b>108-95-2</b>
<b>Phenylacetic acid</b>	<b>103-82-2</b>
<b>m-Phenylene diamine</b>	<b>108-45-2</b>
<b>o-Phenylene diamine</b>	<b>95-54-5</b>
<b>p-Phenylene diamine</b>	<b>106-50-3</b>
<b>Phenyl mercuric acetate</b>	<b>62-38-4</b>
<b>Phorate</b>	<b>298-02-2</b>
<b>Phthalic anhydride</b>	<b>85-44-9</b>
<b>alpha-Piciline (2-methyl pyridine)</b>	<b>109-06-8</b>
<b>1,3-Propane sultone</b>	<b>1120-71-4</b>

<b>Beta-Propiolactone</b>	<b>57-57-8</b>
<b>Proporur (Baygon)</b>	
<b>Porpylene glycol</b>	<b>57-55-6</b>
<b>Pyrene</b>	<b>129-00-0</b>
<b>Pyridinium bromide</b>	<b>39416-48-3</b>
<b>Quinoline</b>	<b>91-22-5</b>
<b>Quinone (p-benzoquinone)</b>	<b>106-51-4</b>
<b>Resorcinol</b>	<b>108-46-3</b>
<b>Simazine</b>	<b>122-34-9</b>
<b>Sodium acetate</b>	<b>127-09-3</b>
<b>Sodium formate</b>	<b>141-53-7</b>
<b>Strychnine</b>	<b>57-24-9</b>
<b>Succinic acid</b>	<b>110-15-6</b>
<b>Succinimide</b>	<b>123-56-8</b>
<b>Sulfanilic acid</b>	<b>121-47-1</b>
<b>Terephthalic acid</b>	<b>100-21-0</b>
<b>Tetraethyldithiopyrophosphate</b>	<b>3689-24-5</b>
<b>Tetraethylenepentamine</b>	<b>112-57-2</b>
<b>Thiofanox</b>	<b>39196-18-4</b>
<b>Thiosemicarbazide</b>	<b>79-19-6</b>
<b>2,4-Toluenediamine</b>	<b>95-80-7</b>
<b>2,6-Toluenediamine</b>	<b>823-40-5</b>
<b>3,4-Toluenediamine</b>	<b>496-72-0</b>
<b>2,4-Toluene diisocyanate</b>	<b>584-84-9</b>
<b>p-Toluic acid</b>	<b>99-94-5</b>
<b>m-Toluidine</b>	<b>108-44-1</b>
<b>1,1,2-Trichloro-1,2,2-Trifluoroethane</b>	<b>76-13-1</b>
<b>Triethanolamine</b>	<b>102-71-6</b>
<b>Triethylene glycol dimethyl ether</b>	
<b>Tripropylene glycol</b>	<b>24800-44-0</b>
<b>Warfarin</b>	<b>81-81-2</b>
<b>3,4-Xylenol (3,4-dimethylphenol)</b>	<b>95-65-8</b>



# **CHAPTER 18**

## **CONTAINMENT BUILDINGS**

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality – Hazardous Waste**

**Chapter 18. Containment Buildings**

**§1801. Applicability**

The requirements of this Section apply to owners or operators who store or treat hazardous waste in units designed and operated under LAC 33:V.1802. These provisions became effective on February 18, 1993, although an owner or operator may have notified EPA or the administrative authority of his intent to be bound by this Section or its federal equivalent at an earlier time. The owner or operator is not subject to the definition of land disposal in LAC 33:V.2203 or R.S. 30:2193 provided that the unit:

1. is a completely enclosed, self-supporting structure that is designed and constructed of manmade materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, uplift, physical contact with the hazardous wastes to which they are exposed, climatic conditions, and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls;

**Response**

The containment building is a self-supporting structure, completely enclosed with a floor, a roof, and walls designed to reduce the potential for lead particles to escape the building. The ventilation system for point sources within the containment building provides a constant inward air flow at these openings, thereby minimizing the potential for fugitive emissions from the building openings. The Raw Material Storage Area (Area 1) was constructed in 1991. In 1992 Woodward-Clyde Consultants (WCC) submitted a professional engineer's certification document demonstrating that the design and construction of the building base in the Raw Material Storage Area was in "substantial conformance with the plans developed for this project". The Containment Building Certification Document is included as Appendix 12. Additionally, this building has adequately handled operations similar to its current operation for over nine years. This history of adequate structural strength is the basis for determining that Exide's containment building is of sufficient structural strength. Specific design data from the initial design of the building is not available.

The floors, walls, and roof of Area 1 are the primary barrier system. The primary barrier system is constructed of man-made materials designed to withstand the movement of and contact with personnel, waste, and handling equipment during the operating life of the unit and are appropriate for the physical and chemical characteristics of the lead bearing materials to be managed. Sketches of the floor construction in the storage area (Area 1) are included with the professional engineer's certification documents in Appendix 12. These sketches depict the area's barrier system.

The Paste Storage Area (Area 2) is used for the initial staging of neutralized lead paste from the battery breaking/desulfurization process prior to moving the paste to Area 1. As previously stated, the paste may contain free liquids. As a result of these free liquids, Exide is submitting plans to upgrade the unit to meet the requirements of this chapter. The plans for the upgrade include renovating the floor system to ensure that it is designed and constructed of materials of sufficient strength and thickness to support itself, the waste contents, any personnel and heavy equipment that operate within the unit, and to prevent failure due to pressure gradients, settlement, compression, uplift, physical contact with the hazardous waste to which it is exposed, climatic conditions, and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls.

2. **has a primary barrier that is designed to be sufficiently durable to withstand the movement of personnel, wastes, and handling equipment within the unit;**

**Response**

The primary barrier system (floors, walls and roof) of Area 1 of Exide's containment building is designed to withstand the movement of personnel, waste, and handling equipment within the unit during the operating life of the unit and is appropriate for the physical and chemical characteristics of the lead bearing materials to be managed on the primary barrier. Sketches of the floor construction in Area 1 are included with the professional engineer's certification documents in Appendix 12. These sketches depict the primary barrier system in the Raw Material Storage Area.

The Raw Material Storage Area (Area 1) was constructed in 1991. In 1992 WCC submitted a professional engineer's certification document demonstrating that the design and construction of the building base in the Raw Material Storage Area was in "substantial conformance with the plans developed for this project". A copy of this document is included in Appendix 12. Additionally, this building has adequately handled operations similar to its current operation for over nine years. This

history of adequate structural strength is the basis for determining that Exide's containment building is of sufficient structural strength. Specific design data from the initial design of the building is not available.

Exide is submitting this modification to upgrade Area 2. Area 2 upgrades will consist of appropriate engineering and reconstruction of the flooring systems so that the area has a primary barrier that is sufficiently durable to withstand the movement of personnel, wastes, and equipment within the area. Figure 5 provides a sketch of the proposed primary barrier system.

**3. when used to manage liquids:**

- a. has a primary barrier designed and constructed of materials to prevent migration of hazardous constituents into the barrier;**

**Response**

The containment building has an efficient primary barrier designed and constructed to prevent the migration of any hazardous constituents into the barrier. Area 1 will utilize small amounts of water for the purpose of dust suppression. However, this activity should not generate any free standing liquids.

Area 2 will be used to manage free liquids. The new design of this area includes a sloped primary barrier consisting of 4 inches of concrete, a HDPE liner and acid brick to prevent migration of hazardous constituents.

- b. has a liquid collection system designed and constructed of materials to minimize the accumulation of liquid on the primary barrier; and**

**Response**

Drainage from the primary barrier system in Area 2 is directed to sumps to minimize the accumulation of free liquids on the primary barrier.

- c. has a secondary containment system designed and constructed of materials to prevent migration of hazardous constituents into the barrier, with a leak detection and liquid collection system capable of detecting, collecting, and removing leaks of hazardous constituents at the earliest practicable time, unless the unit has been granted a variance from the secondary containment system requirements under LAC 33:V.1802.B.4;**

### **Response**

Beneath the primary barrier in Area 2 is a secondary containment system designed with a leak detection and liquid collection system capable of detecting, collecting, and removing hazardous constituents at the earliest practicable time. The secondary containment system consists of a leak detection system, which includes a granular drainage layer with perforated PVC collection lines that are constructed to interrupt any liquids that may penetrate the primary liner systems. Beneath the granular drainage layer, a 1.5-inch layer of asphalt and a 4-inch layer of concrete will serve as a secondary barrier layer to prevent the migration of hazardous constituents. Drawings of this design are included in Figure 5.

4. **has controls as needed to permit fugitive dust emissions to meet the no visible emission standard in LAC 33:V.1802.C.1.d; and**

### **Response**

Exide's containment building is operated with a ventilation system to permitted point sources. This ventilation generally provides inward air flow (negative pressure) on the building. In addition, liquids are occasionally used on the lead bearing materials within the containment building for dust suppression purposes. An Operational Procedure for Dust Suppression activities is included in Appendix 13. These controls are used to ensure that the materials stored within the containment building do not generate any visible emissions.

5. **has been designed and is operated to ensure containment and prevent the tracking of materials from the unit by personnel or equipment.**

### **Response**

Access areas to the containment building are limited. As shown on Figure 4, vehicle wash stations are positioned at the main entrances to the containment building to ensure the containment of wastes within the building. All vehicles exiting the building are required to use the vehicle washes to remove any accumulated waste prior to departure from the building. All water from the vehicle wash area is routed to the on-site wastewater treatment system.

The potential for personnel tracking of materials from the containment building to the outer lying areas is minimized through the use of personnel wash areas located in select access areas of the building. In addition, all contaminated clothing is removed and contained for proper handling.

## **§1802. Design and Operating Standards**

### **A. All containment buildings must comply with the following design standards:**

- 1. the containment building must be completely enclosed with a floor, walls, and a roof to prevent exposure to the elements, (e.g., precipitation, wind, run-on) and to ensure containment of managed wastes;**

#### **Response**

Exide's containment building is completely enclosed with floors, walls (primary barrier system) and a roof with minimal pathways necessary to accommodate operations. These pathways provide limited access for personnel and for the loading/unloading of material. These areas will remain closed when not in use. The ventilation system for the containment building keeps a constant inward air flow (negative pressure) on these openings, which minimizes the potential for any fugitive emissions. These controls prevent the exposure to the elements and controls the containment of the lead bearing materials.

- 2. the floor and containment walls of the unit, including the secondary containment system if required under LAC 33:V.1802.B, must be designed and constructed of materials of sufficient strength and thickness to support themselves, the waste contents, and any personnel and heavy equipment that operate within the unit and to prevent failure due to pressure gradients, settlement, compression, uplift, physical contact with the hazardous wastes to which they are exposed, climatic conditions, and the stresses of daily operation, including the movement of heavy equipment within the unit and contact of such equipment with containment walls. The unit must be designed so that it has sufficient structural strength to prevent collapse or other failure. All surfaces to be in contact with hazardous wastes must be chemically compatible with those wastes. The administrative authority will consider standards established by professional organizations generally recognized by the industry, such as the American Concrete Institute (ACI) and the American Society of Testing Materials (ASTM), in judging the structural integrity requirements of LAC 33:V.1802.A. If appropriate to the nature of the waste management operation to take place in the unit, an exception to the structural strength requirement may be made for light-weight doors and windows that meet these criteria:**

- a. they provide an effective barrier against fugitive dust emissions under LAC 33:V.1802.C.1.d; and**

- b. **the unit is designed and operated in a fashion that ensures that wastes will not actually come in contact with these openings;**

**Response**

As previously discussed, Area 2 will be used to manage some free liquids. The new design of this area includes a sloped primary barrier consisting of 4 inches of concrete, a HDPE liner and acid brick to prevent migration of hazardous constituents. Drainage from this primary barrier system is directed to sumps to minimize the accumulation of free liquids on the primary barrier. Therefore, liquids will not collect on the primary barrier. Beneath the primary barrier is the secondary barrier which consists of a granular drainage layer with perforated PVC collection lines that are constructed to interrupt any liquids that may penetrate the primary liner systems. This granular layer will serve as a leak detection system. Beneath the granular drainage layer is a 1.5-inch layer of asphalt and a 4-inch layer of concrete that acts as a secondary barrier layer to prevent migration of hazardous constituents. Drawings of this design are included in Figure 5.

Area 1 was constructed in 1991. In 1992 WCC submitted a professional engineer's certification document demonstrating that the design and construction of the building base in the Raw Material Area was in "substantial conformance with the plans developed for this project". A copy of this document is included in Appendix 12. Additionally, this building has adequately handled operations similar to its current operation for over nine years. This history of adequate structural strength is the basis for determining that Exide's containment building is of sufficient structural strength.

Although specific design data from the initial design of the building is not available, the foundation and structure of the containment area were designed and constructed to meet the applicable building standards to ensure the integrity of the building and the safety of the facility personnel. Prior to installing the foundation, the bearing capacity of the underlying soil was tested to ensure that it could adequately support the building and the design loads required by the facility's operation. The concrete foundation was properly reinforced according to the design standards of the American Concrete Institute (ACI). In addition, to meet the utilization needs of the building, the exterior walls were constructed of reinforced concrete in accordance with the ACI standards. The design wind loads for the area, according to the

building code standards of the time, were also utilized in the design and construction of the exterior walls.

3. **incompatible hazardous wastes or treatment reagents must not be placed in the unit or its secondary containment system if they could cause the unit or secondary containment system to leak, corrode, or otherwise fail;**

**Response**

Exide only manages lead bearing materials within the containment building. No incompatible wastes or treatment reagents will be placed in the unit or its secondary containment system that will cause the unit or secondary containment system to leak, corrode, or otherwise fail.

4. **a containment building must have a primary barrier designed to withstand the movement of 55 personnel, waste, and handling equipment in the unit during the operating life of the unit and be appropriate for the physical and chemical characteristics of the waste to be managed.**

**Response**

Exide's containment building is completely enclosed with floors, walls and a roof. The total building that encompasses the hazardous waste containment building includes three separate areas. The first area is the production/operation area (Area 3) and is not used for hazardous waste storage. Contiguous to this area is the Raw Material Storage Area (Area 1) that was constructed in 1991. In 1992 WCC submitted a professional engineer's certification document demonstrating that the general design and construction of the building base in Area 1 was in "substantial conformance with the plans developed for this project." Additionally, this building has adequately handled operations similar to its current operation for over nine years in Area 1. This history of adequate structural strength is the basis for assuming the building is of sufficient structural strength. Specific design data from the initial design of the building is not available. A sketch of the floor construction in the Raw Material Storage Area is included in Appendix 12.

Although specific design data from the initial design of the building is not available, the foundation and structure of the containment area were designed and constructed to meet the applicable building standards to ensure the integrity of the building and the safety of the facility personnel. Prior to installing the foundation, the bearing capacity of the underlying soil was tested to ensure that it could adequately support the building and the design loads required by the facility's operation. The concrete foundation was properly reinforced according to the design standards of



the American Concrete Institute (ACI). In addition, to meet the utilization needs of the building, the exterior walls were constructed of reinforced concrete in accordance with the ACI standards. The design wind loads for the area, according to the building code standards of the time, were also utilized in the design and construction of the exterior walls.

As previously discussed, Area 2 will be used to manage some free liquids. The new design of Area 2 includes a sloped primary barrier consisting of 4 inches of concrete, a HDPE liner and acid brick to prevent migration of hazardous constituents. Drainage from this primary barrier system is directed to sumps to minimize the accumulation of free liquids on the primary barrier. Beneath the primary barrier is the secondary barrier which consists of a granular drainage layer with perforated PVC collection lines that is constructed to interrupt any liquids that may penetrate the primary liner systems. This granular layer will serve as a leak detection system. Beneath the granular drainage layer is a 1.5-inch layer of asphalt and a 4-inch layer of concrete that acts as a secondary barrier layer to prevent migration of hazardous constituents. Drawings of this design are included in Figure 5.

- B. For a containment building used to manage hazardous wastes containing free liquids or treated with free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means), the owner or operator must include:**
- 1. a primary barrier designed and constructed of materials to prevent the migration of hazardous constituents into the barrier (e.g., a geomembrane covered by a concrete wear surface);**

**Response**

Exide does not actively manage liquids within Area 1 of the containment building. As necessary, Exide may apply small amounts of water to the lead bearing materials within Area 1 of the containment building for the purpose of dust suppression. This activity should not generate any free standing liquids within the building.

As previously discussed, Area 2 will be used to manage some free liquids. The new design of this area includes a sloped primary barrier consisting of 4 inches of concrete, a HDPE liner and acid brick to prevent migration of hazardous constituents. Drainage from this primary barrier system is directed to sumps that take any accumulated liquids to the wastewater treatment system. Beneath the primary barrier is the secondary barrier which consists of a granular drainage layer with perforated PVC collection lines that is constructed to interrupt any liquids that may penetrate the primary liner systems. This granular layer will serve as a leak detection system. Beneath the granular drainage layer is

a 1.5-inch layer of asphalt and a 4-inch layer of concrete that acts as a secondary barrier layer to prevent migration of hazardous constituents. Drawings of this design are included in Figure 5.

2. a liquid collection and removal system to minimize the accumulation of liquid on the primary barrier of the containment building:
  - a. the primary barrier must be sloped to drain liquids to the associated collection system; and
  - b. liquids and waste must be collected and removed to minimize hydraulic head on the containment system at the earliest practicable time;

**Response**

The new design of Area 2 includes a sloped primary barrier to drain liquids. This primary barrier consists of 4 inches of concrete, a HDPE liner and acid brick to prevent migration of hazardous constituents. Drainage from the primary barrier system of Area 2 is directed to sumps which will route any accumulated liquids to the wastewater treatment system.

3. a secondary containment system including a secondary barrier designed and constructed to prevent migration of hazardous constituents into the barrier and a leak detection system that is capable of detecting failure of the primary barrier and collecting accumulated hazardous wastes and liquids at the earliest practicable time;
  - a. the requirements of the leak detection component of the secondary containment system are satisfied by installation of a system that is, at a minimum:
    - i. constructed with a bottom slope of 1 percent or more; and
    - ii. constructed of a granular drainage material with hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec or more and a thickness of 12 inches (30.5 cm) or more, or constructed of synthetic or geonet drainage materials with a transmissivity of  $3 \times 10^{-5}$  m<sup>2</sup>/sec or more;
  - b. if treatment is to be conducted in the building, an area in which such treatment will be conducted must be designed to

**prevent the release of liquids, wet materials, or liquid aerosols to other portions of the building;**

- c. the secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building can serve as an external liner system for a tank, provided it meets the requirements of LAC 33:V.1907.D.1. In addition, the containment building must meet the requirements of LAC 33:V.1907.B and C.1 and 2 to be considered an acceptable secondary containment system for a tank.);**

**Response**

Exide does not actively manage liquids within Area 1 of the containment building. As necessary, Exide may apply small amounts of water to the lead bearing materials within Area 1 of the containment building for the purpose of dust suppression. This activity should not generate any free standing liquids within the building. Floor drainage and contours of the containment building prevent any liquids from Area 2 from entering this area or other areas within the containment building.

The new design of Area 2 includes a sloped primary barrier consisting of 4 inches of concrete, a HDPE liner and acid brick to prevent migration of hazardous constituents. Drainage from this primary barrier system is directed to sumps to minimize the accumulation of free liquids on the primary barrier. Beneath the primary barrier is the secondary containment system. This system consists of a granular drainage layer with a hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec or more and a thickness of 12 inches or more perforated PVC collection lines that is constructed to interrupt any liquids that may penetrate the primary liner systems. This granular layer will serve as a leak detection system. Beneath the granular drainage layer is a 1.5-inch layer of asphalt and a 4-inch layer of concrete that acts as a secondary barrier layer to prevent migration of hazardous constituents. Drawings of this design are included in Figure 5.

- 4. for existing units other than 90-day generator units, the administrative authority or EPA may delay the secondary**

containment requirement for up to two years, based on a demonstration by the owner or operator that the unit substantially meets the standards of this Section. In making this demonstration, the owner or operator must:

- a. have provided written notice to the administrative authority of their request by November 16, 1992. This notification must describe the unit and its operating practices with specific reference to the performance of existing containment systems and specific plans for retrofitting the unit with secondary containment;
- b. respond to any comments from the administrative authority on these plans within 30 days; and
- c. fulfill the terms of the revised plans, if such plans are approved by the administrative authority.

**Response**

Exide acknowledges the above citations; However, Exide is not requesting any delay for the secondary containment requirements.

**C. Owners or operators of all containment buildings must:**

1. use controls and practices to ensure containment of the hazardous waste within the unit; and, at a minimum:
  - a. maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the primary barrier;

**Response**

Exide will maintain the primary barrier to be free of significant cracks, gaps, corrosion, or other deterioration that could cause the lead bearing materials within the containment building to be released from the primary barrier. Appendix 13 includes operational procedures for inspection of the feed pile containment areas.

- b. maintain the level of the stored/treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded;

**Response**

Exide will maintain the level of stored/treated hazardous waste within the containment walls of the unit so that the height of any containment wall is not exceeded.

- c. **take measures to prevent the tracking of hazardous waste out of the unit by personnel or by equipment used in handling the waste. An area must be designated to decontaminate equipment and any rinsate must be collected and properly managed; and**

**Response**

Exide has measures in place to prevent the tracking of lead bearing materials out of the containment building by personnel or by equipment used in handling the waste. Exide operates two vehicle wash stations (Figure 4) at the main entrances to the containment building to ensure the containment of wastes and to prevent tracking of wastes. All vehicles exiting the building are required to use the vehicle washes to remove any accumulated waste prior to departure from the building. All rinsate generated from the vehicle washes is collected and conveyed to the facility's wastewater treatment plant for treatment prior to discharge.

The potential for personnel tracking of materials from the containment building to the outer lying areas is minimized through the use of personnel wash areas located in select access areas of the building. In addition, contaminated clothing is removed and is contained for proper handling of these materials.

- d. **take measures to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (see 40 CFR Part 60, Appendix A, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator) must be operated and maintained with sound air pollution control practices (see LAC 33:III.3544 for guidance). This state of no visible emissions must be maintained effectively at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the unit;**

**Response**

Exide has measures in place to control fugitive dust emissions such that any openings (doors, windows, vents, cracks, etc.) exhibit no visible emissions (according to 40 CFR Part 60

Appendix A, Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares). In addition, all associated particulate collection devices (e.g., fabric filter, electrostatic precipitator) will be operated and maintained with sound air pollution control practices. Exide maintains a state of no visible emissions at all times during normal operating and maintenance conditions, including when vehicles and personnel are entering and exiting the containment building. Exide's containment building is operated with a ventilation system to permitted point sources. This ventilation system provides inward air flow (negative pressure) on the building. In addition, liquids are occasionally used on the lead bearing materials within the building for dust suppression purposes. These controls are used to ensure that no visible emissions are emitted from the containment building.

2. **obtain certification by a qualified registered professional engineer that the containment building design meets the requirements of LAC 33:V.1802.A-C. For units placed into operation prior to February 18, 1993, this certification must be placed in the facility's operating record (on-site files for generators who are not formally required to have operating records) no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit;**

**Response**

Appendix 12 contains certification by a qualified professional engineer that the containment building design meets the requirements of LAC 33:V.1802 A-C. Certification for Area 2, which will manage any free liquids, will be forwarded once approval is received from LDEQ for the upgraded primary and secondary systems. Copies of these certification documents will be maintained on file with the facility's Part B Permit at Exide, Baton Rouge Smelter.

3. **promptly repair any condition which the owner or operator detects throughout the active life of the containment building that could lead to or has caused a release of hazardous waste in accordance with the following procedures:**
  - a. **upon detection of a condition that has lead to a release of hazardous waste (e.g., upon detection of leakage from the primary barrier) the owner or operator must:**
    - i. **enter a record of the discovery in the facility operating record;**

- ii. **immediately remove the portion of the containment building affected by the condition from service;**
- iii. **determine what steps must be taken to repair the containment building, remove any leakage from the secondary collection system, and establish a schedule for accomplishing the cleanup and repairs; and**
- iv. **within seven days after the discovery of the condition, notify the administrative authority of the condition and, within 14 working days, provide a written notice to the administrative authority with a description of the steps taken to repair the containment building and the schedule for accomplishing the work;**

**Response**

Upon detection of a condition that has lead to a substantial release of hazardous waste, Exide will:

- 1. Enter a record of the discovery into the facility's operating record;
  - 2. Immediately remove the portion of the containment building affected by the condition from service;
  - 3. Determine what steps must be taken to repair the containment building, remove any leakage from the secondary collection system; and
  - 4. Establish a schedule for accomplishing the cleanup and repairs and within seven days after the discovery of the condition, notify the administrative authority of the condition and, within 14 working days, provide a written notice to the administrative authority with a description of the steps taken to repair the containment building and the schedule for accomplishing the work.
- b. **the administrative authority will review the information submitted, make a determination regarding whether the containment building must be removed from service completely or partially until repairs and cleanup are complete, and notify the owner or operator of the determination and the underlying rationale in writing;**

**Response**

Exide acknowledges the administrative authority will review and make a determination regarding the information submitted and will

notify the owner or operator of the determination as detailed in the above citation.

- c. **upon completing all repairs and cleanup, the owner or operator must notify the administrative authority in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.1802.C.3.a.iv; and**

**Response**

Upon completing all repairs and cleanup, Exide will notify the administrative authority in writing and provide verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.1802.3.a.iv.

4. **inspect and record in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.**

**Response**

Exide inspects and records in the facility's operating record, at least once every seven days, data gathered from monitoring equipment and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste. A copy of the inspection record is included in Appendix 5.

- D. **For containment buildings that contain areas both with and without secondary containment, the owner or operator must:**

1. **design and operate each area in accordance with the requirements enumerated in LAC 33:V.1802.A-C;**

**Response**

Exide's containment building contains areas both with and without secondary containment. Therefore, Exide has redesigned and will operate each area in accordance with the requirements enumerated in LAC 33:V.1802.A and C.

2. **take measures to prevent the release of liquids or wet materials into areas without secondary containment; and**



**Response**

Exide will operate the storage areas in accordance with the requirements of LAC 33:V.1802.A and C. The potential for a release of liquids or wet materials into areas without secondary containment are minimized through the building contours that separate Area 2 from the other areas coupled with the use of good material management practices.

3. **keep in the facility's operating log a written description of the operating procedures used to maintain the integrity of areas without secondary containment.**

**Response**

Exide will maintain, in the facility's operating log, a written description of the operating procedures used to maintain the integrity of areas without secondary containment.

- E. **Notwithstanding any other provision of this Chapter, the administrative authority may waive requirements for secondary containment for a permitted containment building where the owner or operator demonstrates that the only free liquids in the unit are limited amounts of dust suppression liquids required to meet occupational health and safety requirements and where containment of managed wastes and liquids can be ensured without a secondary containment system.**

**Response**

Exide requests that the administrative authority waive requirements for secondary containment for the potential occurrence that liquids could be generated from dust suppression activities in the Raw Materials Storage Area (Area 1).

Periodically dust suppression liquids are used to suppress dust to a level that meets occupational health and safety requirements. Typically the stored waste will adsorb the liquids to a point that the waste will still pass the paint filter test. Should liquids become present, Exide will take measures to collect and remove the liquid using a collection sump within the area or absorbent materials.

Since the Paste Storage Area (Area 2) will be managed to handle free liquids, it has been designed to have secondary containment and therefore will have means to remove free liquids as necessary.

**§1803. Closure and Post-closure Care**

- A.** At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate and manage them as hazardous waste unless LAC 33:V.109.*Hazardous Waste* applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in LAC 33:V.Chapters 35 and 37.
- B.** If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in Subsection A of this section, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must either:
- 1.** close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (LAC 33:V.2521). In addition, for the purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill and the owner or operator must meet all of the requirements for landfills specified in LAC 33:V.Chapters 35 and 37; or
  - 2.** perform a risk assessment to demonstrate that closure with the remaining contaminant levels is protective of human health and the environment in accordance with LAC 33:I. Chapter 13. Any such risk assessment is subject to approval by the administrative authority and must demonstrate that post-closure care is not necessary to adequately protect human health and the environment.

**Response**

Closure for the containment building is addressed in Appendix 9, Closure and Post Closure Plan.

## **CHAPTER 19**

### **TANKS**

Exide acknowledges and understands the information provided in this chapter. Tanks are not used at this facility to store or treat hazardous waste.

# **CHAPTER 21**

## **CONTAINERS**

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality – Hazardous**  
**Waste**

**Chapter 21. Containers**

**§2101. Applicability**

The regulations in this Chapter apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as specified in LAC 33:V.1501, or if the container is empty (see LAC 33:V.109).

**Response**

Exide proposes no change to the response in the original application.

- A. Containers not exempted from these regulations shall be considered hazardous and shall be disposed of or treated by an acceptable waste disposal or treatment method.**

**Response**

Exide proposes no change to the response in the original application.

- B. If a hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is empty as defined in LAC 33:V.109. In that event, management of the container is exempt from the requirements of this Chapter.**

**Response**

Exide proposes no change to the response in the original application.

- C. Empty containers sent to a reclaimer are considered product, and thus are not subject to these rules and regulations. Residue from the reclaimer's operations must be disposed of in a permitted facility.**

**Response**

Exide proposes no change to the response in the original application.

- D. The storage of hazardous waste prohibited from land disposal must also be in accordance with the requirements of LAC 33:V.2205.**

**Response**

Exide understands this provision and will store hazardous waste prohibited from land disposal in accordance with LAC 33:VV.2205.

**§2103. Condition of Containers**

**If a container holding hazardous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that complies with the requirements of this Chapter.**

**Response**

Exide proposes no change to the response in the original application.

**§2105. Compatibility of Waste with Containers**

**The owner or operator must use a container made of or lined with materials which will not react with, or be incompatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.**

**Response**

Exide proposes no change to the response in the original application.

**§2107. Management of Containers**

- A. A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.**

**Response**

Exide proposes no change to the response in the original application.

- B. A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.**

**Response**

Exide proposes no change to the response in the original application.

**§2109. Inspections.**

- A. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system. Remedial action as described in LAC 33:V.1513 shall be taken.**

**Response**

Exide proposes no change to the response in the original application.

- B. All containers must be stacked in such a fashion that each container identification label can be read from the access aisle.**

**Response**

Exide proposes no change to the response in the original application.

- C. All inspection records must be maintained according to the recordkeeping requirements of LAC 33:V.1529.**

**Response**

Exide proposes no change to the response in the original application.

**§2111. Containment**

- A. Container storage areas must have a containment system that is designed and operated in accordance with LAC 33:V.2111.B except as otherwise provided by LAC 33:V.2111.C.**

**Response**

Exide proposes no change to the response in the original application.

- B. A containment system must be designed and operated as follows:**

- 1. a base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to**

**contain leaks, spills, and accumulated precipitation until the collected material is detected and removed;**

**Response**

Exide proposes no change to the response in the original application.

- 2. the base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;**

**Response**

Exide proposes no change to the response in the original application.

- 3. the containment system must have sufficient capacity to contain 10 percent of the volume of containers or the volume of the largest container, whichever is greater. Containers that do not contain free liquids need not be considered in this determination;**

**Response**

Exide proposes no change to the response in the original application.

- 4. run-on into the containment system must be prevented unless the collection system has sufficient excess capacity in addition to that required in LAC 33:V.2111.B.3 to contain any run-on which might enter the system;**

**Response**

Exide proposes no change to the response in the original application.

- 5. spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system; and**

**Response**

Exide proposes no change to the response in the original application.



- 6: if the collected material is a hazardous waste, it must be managed as a hazardous waste in accordance with all applicable requirements.**

**Response**

Exide proposes no change to the response in the original application.

- C. Storage areas that store containers holding only wastes that do not contain free liquids need not have a containment system defined by LAC 33:V.2111.B, except as provided by LAC 33:V.2111.D or provided that:**

- 1. the storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation, or**

**Response**

Exide proposes no change to the response in the original application.

- 2. the containers are elevated or are otherwise protected from contact with accumulated liquid.**

**Response**

Exide proposes no change to the response in the original application.

- D. Storage areas that store containers holding the wastes listed below must have a containment system defined by LAC 33:V.2111.B even when these wastes do not contain free liquids:**

**F020, F021, F022, F023, F026, and F027.**

**Response**

Exide proposes no change to the response in the original application.

**§2113. Special Requirements for Ignitable or Reactive Wastes**

**Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility property line. (See LAC 33:V.1517 for additional requirements or LAC 33:V.4321 for additional requirements for interim status facilities.)**

**Response**

Exide proposes no change to the response in the original application.

**§2115. Special Requirements for Incompatible Wastes**

- A. Incompatible wastes, or incompatible wastes and materials, must not be placed in the same container unless LAC 33:V.1517 or LAC 33:V.4321 for interim status facilities is complied with.**

**Response**

Exide proposes no change to the response in the original application.

- B. Hazardous wastes must not be placed in an unwashed container that previously held an incompatible waste or material.**

**Response**

Exide proposes no change to the response in the original application.

- C. A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, other device, or approved management technique.**

**Response**

Exide proposes no change to the response in the original application.

- D. The owner or operator must place the results of each waste analysis and trial test and any documented information regarding compatibility testing in the operating record of the facility.**

**Response**

Exide proposes no change to the response in the original application.

**§2117. Closure**

**At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated**

with hazardous waste or hazardous waste residues must be decontaminated or removed. At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with LAC 33:V.109.Hazardous Waste.6 that the solid waste removed from the containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Chapters 9-43.

**Response**

Exide proposes no change to the response in the original application.

**§2119. Air Emission Standards**

The owner or operator shall manage all hazardous waste placed in a container in accordance with the applicable requirements of LAC 33:V.Chapter 17.

**Response**

Exide understands this provision and will manage all hazardous waste placed in a container in accordance with the applicable requirements of LAC 33V.Chapter 17.

## **CHAPTER 22**

### **PROHIBITIONS ON LAND DISPOSAL**

Exide acknowledges and understands the information provided in this chapter. Exide does not dispose of hazardous waste on land.

## **CHAPTER 23**

### **WASTE PILES**

Exide is regulated by a post-closure permit for closed waste piles at the Baton Rouge Smelter. Therefore, this chapter is not applicable.

## **CHAPTER 24**

### **HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE**

Exide does not treat, store, or dispose of hazardous waste munitions and explosives.

## **CHAPTER 25**

### **LANDFILLS**

Exide does not use landfills to treat or store hazardous waste. Exide makes no change to the original application.

## **CHAPTER 26**

### **CORRECTIVE ACTION MANAGEMENT UNITS AND TEMPORARY UNITS**

Exide acknowledges and understands the information provided in this chapter. Exide does not currently have any Corrective Action Management Units. Exide makes no change to the original application.



## **CHAPTER 27**

### **LAND TREATMENT**

Exide does not use land treatment to treat or store hazardous waste.

## **CHAPTER 28**

### **DRIP PADS**

Exide does not utilize drip pads.

## **CHAPTER 29**

### **SURFACE IMPOUNDMENTS**

Exide does not utilize surface impoundments.

## **CHAPTER 30**

### **HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES**

This chapter does not apply to Exide in accordance with attached Letter of Certification required of all of Exide suppliers of lead containing materials.

## **CHAPTER 31**

### **INCINERATORS**

Exide does not use incinerators to treat or store hazardous waste. Exide makes no change to the original application.

## **CHAPTER 32**

### **MISCELLANEOUS UNITS**

Exide does not have any miscellaneous units. Therefore, this chapter is not applicable.

# **CHAPTER 33**

## **GROUND WATER PROTECTION**

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality – Hazardous Waste**

**Chapter 33. Ground Water Protection**

**§3301. Applicability**

- A. Except as provided in LAC 33:V.3301.C, the regulations in this Chapter apply to owners or operators of facilities that treat, store or dispose of hazardous waste. The owner or operator must satisfy the requirements identified in LAC 33:V.3301.B for all wastes (or constituents thereof) contained in solid waste management units at the facility, regardless of the time at which waste was placed in such units.**

**Response**

In accordance with LAC 33:V.3301.C, the containment building as a regulated unit is not subject to regulation for releases into the uppermost aquifer under this Chapter. Please see the response to LAC 33:V.3301.C. The current groundwater monitoring system does not monitor for potential contamination from the containment building due to the extensive primary and secondary containment system that will be upgraded as a result of this modification.

However, this chapter has been addressed in as much detail as possible to give information regarding the existing groundwater monitoring system.

- B. All solid waste management units must comply with the requirements in LAC 33:V.3322. A surface impoundment, waste pile, and land treatment unit or landfill that receives hazardous waste after July 26, 1982 (hereinafter referred to as a "regulated unit") must comply with the requirements of LAC 33:V.3303-LAC 33:V.3321 in lieu of LAC 33:V.3322 for purposes of detecting, characterizing and responding to releases to the uppermost aquifer. The financial responsibility requirements of LAC 33:V.3322 apply to regulated units.**

**Response**

The containment building is not included as one of the four solid waste management units identified from the RFA. However, if it is determined that the containment building is part of a designated solid waste management unit, the requirements of LAC 33:VII.3322



regarding corrective action will be adhered to protect human health and the environment.

Exide does not currently operate any surface impoundments, waste piles, and land treatment unit or landfills that receive hazardous waste and does not anticipate using any of the aforementioned units for hazardous waste in the future. Exide currently operates a solid waste landfill that is regulated under LAC 33:VII.

The hazardous waste piles are being operated under a post closure permit.

**C. The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this Chapter if:**

- 1. the owner or operator is exempted under LAC 33:V.1501; or**
- 2. he operates a unit which the administrative authority finds:**
  - a. is an engineered structure;**
  - b. does not receive or contain liquid waste or waste containing free liquids;**
  - c. is designed and operated to exclude liquid, precipitation, and other run-on and run-off;**
  - d. has both inner and outer layers of containment enclosing the waste;**
  - e. has a leak detection system built into each containment layer;**
  - f. the owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods; and**
  - g. to a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period;**

**Response**

The containment building is an engineered structure that handles lead-bearing waste in a manner that reduces the potential for leachate to percolate through the primary liner. A leak detection layer has been installed for the purpose of detecting and sampling the potential leachate. The new design of Area 2 includes a sloped

primary barrier consisting of 4 inches of concrete, a HDPE liner and acid brick to prevent migration of hazardous constituents. Drainage from this primary barrier system is directed to sumps to minimize the accumulation of free liquids on the primary barrier. Beneath the primary barrier is a granular drainage layer with perforated PVC collection lines that is constructed to interrupt any liquids that may penetrate the primary liner systems. This granular layer will serve as a leak detection system. Beneath the granular drainage layer is a 1.5-inch layer of asphalt and a 4-inch layer of concrete that acts as a secondary barrier layer to prevent migration of hazardous constituents. Drawings of this design are included in Figure 5.

Exide will provide continuing operation and maintenance of the leak detection systems during the active life and closure of the unit or as required.

Although Exide is not required at this time to have a groundwater sampling and analysis plan in place for the containment building, the groundwater sampling and analysis plan that is in place to monitor any possible contamination from the the closed waste piles is included as Appendix 7.

- 3. the administrative authority finds, pursuant to LAC 33:V.2719.D, that the treatment zone of a land treatment unit that qualifies as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of LAC 33:V.2711 has not shown a statistically significant increase in hazardous constituents below the treatment zone during the operating life of the unit. An exemption under LAC 33:V.3301.C can only relieve an owner or operator of responsibility to meet the requirements of this Chapter during the post-closure care period; or**
- 4. the administrative authority finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified under LAC 33:V.3521. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made under LAC 33:V.3301.C on assumptions that maximize the rate of liquid migration;**

5. he designs and operates a pile in compliance with LAC 33:V.2301.C.

**Response**

Exide acknowledges these provisions for not being subject to regulation for releases into the uppermost aquifer.

- D. The regulations under this Chapter apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the regulations in this Subpart:
1. do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure;
  2. apply during the post-closure care period under LAC 33:V.Chapter 35, Subchapter B post-closure requirements if the owner or operator is conducting a detection monitoring program under LAC 33:V.3317;
  3. apply during the compliance period under LAC 33:V.3313 if the owner or operator is conducting a compliance monitoring program under LAC 33:V.3319 or a corrective action program under LAC 33:V.3321.

**Response**

The containment building will be clean closed by removing all waste residues, contaminated containment system components, and contaminated subsoils or decontaminate at closure as outlined in the Closure and Post Closure Plan, Appendix 9. If applicable, Exide understands that the regulations in this Chapter may apply during the post-closure period or compliance period.

- E. Regulations in this Chapter may apply to miscellaneous units when necessary to comply with LAC 33:V.3203-3207.

**Response**

Exide does not operate any miscellaneous units.

- F. The regulations of this Chapter apply to all owners and operators subject to the requirements of LAC 33:V.305.H when the department issues either a post-closure permit or an enforceable document (as defined in LAC 33:V.305.H) at the facility. When the department issues an enforceable document, references in this Chapter to "in the permit"

### **Response**

Exide acknowledges the above citation will apply when the department issues either a post-closure permit or an enforceable document at the facility.

- G. The administrative authority may replace all or part of the requirements of this Chapter applying to a regulated unit with alternative requirements for groundwater monitoring and corrective action for releases to groundwater set out in the permit (or in an enforceable document as defined in LAC 33:V.305.H) where the administrative authority determines that:**
- 1. the regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management unit(s) (or areas of concern) are likely to have contributed to the release; and**
  - 2. it is not necessary to apply the groundwater monitoring and corrective action requirements of this Chapter because alternative requirements will protect human health and the environment.**

### **Response**

Exide acknowledges the administrative authority may replace all or part of the requirements of this Chapter for groundwater monitoring and corrective action for releases to groundwater where the administrative authority determines that the regulated unit is situated among solid waste management units, that a release has occurred and that both the regulated unit and one or more solid waste management units are likely to have contributed to the release.

## **§3303. Required Programs**

- A. Owners and operators subject to this Chapter must conduct a monitoring and response program as follows.**
- 1. Whenever hazardous constituents under LAC 33:V.3307 from a regulated unit are detected at the compliance point under LAC 33:V.3311, the owner or operator must institute a compliance monitoring program under LAC 33:V.3319. "Detected" is defined as statistically significant evidence of contamination as described in LAC 33:V.3317.F.**
  - 2. Whenever the ground water protection standard under LAC 33:V.3305 is exceeded, the owner or operator must institute a corrective action program under LAC**

**33:V.3321. "Exceeded" is defined as statistically significant evidence of increased contamination as described in LAC 33:V.3319.D.**

- 3. Whenever hazardous constituents under LAC 33:V.3307 from a regulated unit exceed concentration limits under LAC 33:V.3309 in ground water between the compliance point under LAC 33:V.3311 and the downgradient facility property boundary, the owner or operator must institute a corrective action program under LAC 33:V.3321.**
- 4. In all other cases, the owner or operator must institute a detection monitoring program under LAC 33:V.3317.**

**Response**

Although Exide is not subject to this Chapter, the details of the existing detection monitoring program required for the closed waste piles are outlined in the comprehensive Groundwater Sampling and Analysis Plan (Appendix 7).

- B. The administrative authority will specify in the facility permit the specific elements of the monitoring and response program. The administrative authority may include one or more of the programs identified in LAC 33:V.3303.A in the facility permit as may be necessary to protect human health and the environment. The administrative authority will specify the circumstances under which each of the programs will be required. In deciding whether to require the owner or operator to be prepared to institute a particular program, the administrative authority will consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.**

**Response**

Exide acknowledges the administrative authority may specify in the facility permit the specific elements of a monitoring and response program which may include one or more of the programs identified in LAC 33:V.3303A necessary to protect human health and the environment which will include the circumstances under which each of the programs will be required.

- C. In addition, all permitted facilities where pre-existing ground water contamination continues to be present shall be required to institute compliance monitoring as required in LAC 33:V.3319 of this Chapter and corrective action programs as required in**

**LAC 33:V.3321 of this Chapter. In no case shall free phase or mobile hazardous constituents be unmitigated. Hazardous constituents shall be isolated, reduced or stabilized consistent with the application of good engineering practices and best practical technology.**

**Response**

Exide is conducting a RCRA facility investigation (RFI) to determine current site conditions. Any pre-existing groundwater contamination conditions will meet the compliance monitoring and corrective action programs.

- D. All permits for facilities with pre-existing ground water contamination shall contain a permit condition containing the concentration limits of hazardous constituents established consistent with LAC 33:V.3305, 3307, and 3309. In no case shall other than background concentration limits be listed in the initial permit. Compliance with corrective action programs required in LAC 33:V.3303, 3319, and 3321 will constitute a permitted variance. Corrective action programs shall be reviewed annually and may be based on predictive computer modeling. Alternate concentrations provided in LAC 33:V.3309.A or B may be set by permit amendment should the original concentration limits be unattainable within 36 months.**

**Response**

Exide is conducting a RFI to determine current site conditions. Any pre-existing groundwater contamination conditions will meet the compliance monitoring and corrective action programs.

**§3305. Ground Water Protection Standard**

- A. The owner or operator must comply with conditions specified in the facility permit that are designed to ensure that hazardous constituents under LAC 33:V.3307 detected (as defined in LAC 33:V.3303.A.1) in the ground water from a regulated unit do not exceed the concentration limits under LAC 33:V.3309 in the uppermost aquifer underlying the waste management area beyond the point of compliance under LAC 33:V.3311 during the compliance period under LAC 33:V.3313. The administrative authority will establish this ground water protection standard in the facility permit when hazardous constituents have been detected (as defined in LAC 33:V.3303.A.1) in the ground water.**

**Response**

Although Exide is not subject to this Chapter, the details of the existing detection monitoring program required for the closed waste

piles are outlined in the comprehensive Groundwater Sampling and Analysis Plan (Appendix 7).

- B. The ground water monitoring system shall consist of necessary wells, at least one hydraulically upgradient, to monitor ground water moving toward the facility, and all the necessary number of wells downgradient to monitor ground water leaving the facility. The wells shall be located to intercept contamination at the earliest possible occurrence. Well locations and completion depths must be selected to assure that all probable contaminant flow-paths are monitored. The wells shall be cased, and the casings shall be adequately sealed so that contaminants cannot be introduced from the surface or from one aquifer to another within the well bore, and so that only one water bearing sand is sampled per well. The entire ground water monitoring system must be approved by the administrative authority.**

**Response**

Although Exide is not subject to this Chapter, the details of the existing detection monitoring program required for the closed waste piles are outlined in the comprehensive Groundwater Sampling and Analysis Plan (Appendix 7).

- C. The owner or operator of the facility shall develop and adhere to a ground water sampling and analysis plan, and shall immediately advise the department when significant changes in ground water quality are determined and verified.**

**Response**

Although Exide is not subject to this Chapter, the details of the existing detection monitoring program required for the closed waste piles are outlined in the comprehensive Groundwater Sampling and Analysis Plan (Appendix 7).

**D. Leachate**

- 1. The leachate monitoring system shall contain a method and device to secure samples, and determine leakage at two locations in each unit where the system is required as follows:**
  - a. at the low point inside the barrier (liner) encased in sand, or other porous material, ensuring that leachate from all contents will percolate to the low point. Provision for pumping out all leachate which gathers inside this barrier shall be made; and**

- ## Response

**E. Air. Installed, or available portable air monitoring devices shall be located at all sites involving: incineration, landfill, or treatment facilities. An installed air monitoring system (triangular grid) with continuous recording shall be installed at all commercial sites.**

## Response

**F. Sampling.** Samples shall be taken from all required monitoring systems before waste is introduced (for new sites) to provide adequate base-line data. Sampling shall be done quarterly, and



**complete records shall be maintained at the site for examination by the administrative authority.**

**Response**

The above citation is not applicable since the Exide is an existing hazardous waste facility that is currently receiving waste.

The following sections are not applicable based on LAC 33:V.3301.C which provides that the containment building is not governed by this chapter due to the integrity and design of the containment building which includes a leak detection system:

- §3307. Hazardous Constituents**
- §3309. Concentration Limits**
- §3311. Point of Compliance**
- §3313. Compliance Period**
- §3315. General Ground Water Monitoring Requirements**
- §3317. Detection Monitoring Program**
- §3319. Compliance Monitoring Program**
- §3321. Corrective Action Program**
- §3322. Corrective Action**
- §3323. Monitoring Well Abandonment and Sealing of Boreholes**
- §3325. Ground Water Monitoring List**

## **CHAPTER 35**

### **CLOSURE AND POST-CLOSURE**

Exide acknowledges and will abide by all of the requirements for closure and post – closure, applicable for the containment buildings found in this Chapter. The revised Closure and Post – Closure Plan is included in detail in Appendix 9.

## **CHAPTER 37**

### **FINANCIAL REQUIREMENTS**

Exide acknowledges the financial requirements for the containment building presented in this chapter. Please find enclosed as Appendix 10, the Revised Surety Bond for financial assurance obligations.

## **CHAPTER 38**

### **UNIVERSAL WASTES**

Exide acknowledges the information presented in Chapter 38. Exide reclaims and recycles spent lead-acid batteries which are covered under LAC 33:V.Chapter 41.

## **CHAPTER 39**

### **SMALL QUANTITY GENERATORS**

Exide is not a small quantity generator of hazardous.

## **CHAPTER 40**

### **USED OIL**

Included as this Section are the Chapter 40 regulations. Included as Appendix 18 is Exide's Used Oil Plan that addresses the applicable citations.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**

**Chapter 40. Used Oil**

**§4001. Definitions**

Terms that are defined in LAC 33:V.109 have the same meanings when used in this Chapter.

***Aboveground Tank***—a tank used to store or process used oil that is not an underground tank as defined in LAC 33:V.109.

***Container***—any portable device, in which a material is stored, transported, treated, disposed of, or otherwise handled.

***Do-it-yourselfer (DIY) Used Oil Collection Center***—any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers.

***Existing Tank***—a tank that is used for the storage or processing of used oil and that is in operation or for which installation commenced on or prior to the effective date of the authorized used oil program. Installation will be considered to have commenced if the owner or operator has obtained all approvals or permits necessary to begin installation of the tank and if either a continuous on-site installation program has begun or the owner or operator has entered into contractual obligations which cannot be canceled or modified without substantial loss for installation of the tank to be completed within a reasonable time.

***Household Do-it-yourselfer Used Oil***—oil that is derived from households, such as used oil generated by individuals through the maintenance of their personal vehicles.

***Household Do-it-yourselfer Used Oil Generator***—an individual who generates household do-it-yourselfer used oil.

***New Tank***—a tank that will be used to store or process used oil and for which installation commenced after the effective date of the authorized used oil program.

***Petroleum Refining Facility***—an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking, or other processes (i.e., facilities classified as SIC 2911).

***Processing***—chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel

oils, lubricants, or other used-oil-derived product. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation, and re-refining.

***Re-refining Distillation Bottoms***—the heavy fraction produced by vacuum distillation of filtered and dehydrated used oil. The composition of still bottoms varies with column operation and feedstock.

***Tank***—any stationary device designed to contain an accumulation of used oil, which is constructed primarily of nonearthen materials, (e.g., wood, concrete, steel, plastic) which provides structural support.

***Used Oil***—any oil that has been refined from crude oil or any synthetic oil that has been used and, as a result of such use, is contaminated by physical or chemical impurities.

***Used Oil Aggregation Point***—any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point from which used oil is transported to the aggregation point in shipments of no more than 55 gallons. Used oil aggregation points may also accept used oil from household do-it-yourselfers.

***Used Oil Burner***—a facility where used oil not meeting the specification requirements in LAC 33:V.4005 is burned for energy recovery in devices identified in LAC 33:V.4063.

***Used Oil Collection Center***—any site or facility that is registered, licensed, permitted, and/or recognized to manage used oil and accepts/aggregates and stores used oil collected from used oil generators regulated under LAC 33:V.Chapter 40.Subchapter B which bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of LAC 33:V.4017. Used oil collection centers may also accept used oil from household do-it-yourselfers.

***Used Oil Fuel Marketer***—any person who conducts either of the following activities:

1. directs a shipment of off-specification used oil from their facility to a used oil burner; or
2. first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in LAC 33:V.4005.

***Used Oil Generator***—any person, by site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

***Used Oil Processor/Re-refiner***—a facility that processes used oil.

***Used Oil Transfer Facility***—any transportation-related facility, including loading docks, parking areas, storage areas, and other areas where



shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed in accordance with LAC 33:V.4009.B.2. Transfer facilities that store used oil for more than 35 days are subject to regulation under Subchapter E of this Chapter.

***Used Oil Transporter***—any person who transports used oil, any person who collects used oil from more than one generator and transports the collected oil, and owners and operators of used oil transfer facilities. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation but, with the following exception, may not process used oil. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil-derived products or used oil fuel.

## **Subchapter A. Materials Regulated as Used Oil**

### **§4003. Applicability**

This Section identifies those materials which are subject to regulation as used oil under this Chapter. This Section also identifies some materials that are not subject to regulation as used oil under this Chapter and indicates whether these materials may be subject to regulation as hazardous waste under this Subpart.

**A. Used Oil.** Used oil is to be recycled unless a used oil handler disposes of it or sends it for disposal. Except as provided in LAC 33:V.4005, the regulations of LAC 33:V.Chapter 40 apply to used oil and to materials identified in LAC 33:V.4003 as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in LAC 33:V.4903.

#### **Response**

Exide acknowledges this provision. The Used Oil Plan is included as Appendix 18.

### **B. Mixtures of Used Oil and Hazardous Waste**

#### **1. Listed Hazardous Waste**

**a. Mixtures of used oil and hazardous waste that is listed in LAC 33:V.4901 are subject to regulation as hazardous waste under LAC 33:V.Subpart 1, rather than as used oil under LAC 33:V.Chapter 40.**

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

- b. Rebuttable Presumption for Used Oil.** Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in LAC 33:V.4901. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from EPA Publication SW-846, Third Edition, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in LAC 33:V.3105.Table 1). EPA Publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, Box 371954, Pittsburgh, PA 15250-7954, (202) 512-1800 (document number 955-001-00000-1).

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

- i.** The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if they are processed through a tolling arrangement as described in LAC 33:V.4017.C to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed.

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

- ii.** The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units in which the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

- 2. Characteristic Hazardous Waste.** Mixtures of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristic identified in LAC 33:V.4903 and

**mixtures of used oil and hazardous waste that is listed in LAC 33:V.4901 solely because it exhibits one or more of the characteristics of hazardous waste identified in LAC 33:V.4903 are subject to:**

- a. regulation as hazardous waste under LAC 33:V.Subpart 1 rather than as used oil under LAC 33:V.Chapter 40 if the resultant mixture exhibits any characteristics of hazardous waste identified in LAC 33:V.4903, except as provided in LAC 33:V.4003.B.2.c;**
- b. regulation as used oil under LAC 33:V.Chapter 40 if the resultant mixture does not exhibit any characteristics of hazardous waste identified under LAC 33:V.4903, except as specified in LAC 33:V.4003.B.2.c; or**
- c. regulation as used oil under this Chapter if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resulting mixture does not exhibit the characteristic of ignitability under LAC 33:V.4903.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

**C. Materials Containing or Otherwise Contaminated with Used Oil**

- 1. Except as provided in LAC 33:V.4003.C.2, materials containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:**
  - a. are not used oil and thus not subject to LAC 33:V.Chapter 40; and**
  - b. are subject to the hazardous waste regulations of LAC 33:V.Subpart 1, if applicable.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

- 2. Materials containing or otherwise contaminated with used oil that are burned for energy recovery are subject to regulation as used oil under LAC 33:V.Chapter 40.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

3. **Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under LAC 33:V.Chapter 40.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

**D. Mixtures of Used Oil with Products**

1. **Except as provided in LAC 33:V.4003.D.2, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under LAC 33:V.Chapter 40.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

2. **Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to LAC 33:V.Chapter 40 once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of LAC 33:V.Chapter 40.Subchapter B.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

**E. Materials Derived from Used Oil**

1. **Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:**
  - a. **not used oil and, thus, are not subject to LAC 33:V.Chapter 40; and**
  - b. **not solid wastes and, thus, are not subject to the hazardous waste regulations of LAC 33:V.Subpart 1 as provided in LAC 33:V.109.Hazardous Waste.4.b.i.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

2. **Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under LAC 33:V.Chapter 40.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

3. **Except as provided in LAC 33:V.4003.E.4, materials derived from used oil that are disposed of or used in a manner constituting disposal are:**

- a. **not used oil and, thus, are not subject to LAC 33:V.Chapter 40; and**
- b. **solid wastes and, thus, are subject to the hazardous waste regulations of LAC 33:V.Subpart 1 if the materials are listed or identified as hazardous waste.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

4. **Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to LAC 33:V.Chapter 40.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

- F. **Wastewater. Wastewater, the discharge of which is subject to regulation under either section 402 or section 307(b) of the Clean Water Act and LAC 33:IX (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil is not subject to the requirements of this Chapter. For purposes of LAC 33:V.4003.F, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases or the used oil is recovered from wastewaters.**

**Response**

Exide acknowledges the above provision regarding wastewater contaminated with de minimus quantities of used oil.

- G. **Used Oil Introduced into Crude Oil Pipelines or a Petroleum Refining Facility**

1. **Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of LAC 33:V.Chapter 40. The used oil is subject to the requirements of LAC 33:V.Chapter 40 prior to the mixing of used oil with crude oil or natural gas liquids.**

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

2. **Mixtures of used oil and crude oil or natural gas liquids containing less than 1 percent used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of LAC 33:V.Chapter 40.**

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

3. **Used oil that is inserted into the petroleum refining facility process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of LAC 33:V.Chapter 40 provided that the used oil constitutes less than 1 percent of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of LAC 33:V.Chapter 40.**

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

4. **Except as provided in LAC 33:V.4003.G.5, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of LAC 33:V.Chapter 40 only if the used oil meets the specification of LAC 33:V.4005. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of LAC 33:V.Chapter 40.**

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

5. **Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of LAC 33:V.Chapter 40. This exemption does not extend to used oil which is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the wastewater treatment system).**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

- 6. Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of LAC 33:V.Chapter 40.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

- H. Used Oil on Vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Chapter until it is transported ashore.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

- I. Used Oil Containing PCBs. Used oil containing PCBs (as defined at 40 CFR 761.3) at any concentration less than 50 ppm is subject to the requirements of this Subchapter. Used oil subject to the requirements of this Subchapter may also be subject to the prohibitions and requirements found at 40 CFR part 761, including sections 761.20(d) and (e). Used oil containing PCBs at concentrations of 50 ppm or greater is not subject to the requirements of this Subchapter, but is subject to regulation under 40 CFR part 761.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

**§4005. Used Oil Specifications**

**Used oil burned for energy recovery and any fuel produced from used oil by processing, blending, or other treatment is subject to regulation under this Chapter unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specifications shown in LAC 33:V.4005.Table 1. Once used oil that is to be burned for energy recovery has been shown not to exceed any specifications and the person making that showing complies with LAC 33:V.4081, 4083, and 4085.B, the used oil is no longer subject to this. Chapter.**

**Response**

Exide acknowledges this provision. However, Exide does not burn used oil for energy recovery. See Appendix 18 for Exide Technologies Used Oil Plan.

**Table 1**  
**Used Oil Not Exceeding Any Specification Level is**  
**Not Subject to this Chapter When Burned for**  
**Energy Recovery<sup>1</sup>**

<b>Constituent/property level</b>	<b>Allowable</b>
<b>Arsenic</b>	<b>5 ppm maximum</b>
<b>Cadmium</b>	<b>2 ppm maximum</b>
<b>Chromium</b>	<b>10 ppm maximum</b>
<b>Lead</b>	<b>1,000 ppm maximum</b>
<b>Flash point</b>	<b>100EF minimum</b>
<b>Total halogens</b>	<b>4,000 ppm maximum<sup>2</sup></b>

**ENDNOTE:** <sup>1</sup>The specification does not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see LAC 33:V.4003.B).

**ENDNOTE:** <sup>2</sup>Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under LAC 33:V.4003.B.1. Such used oil is subject to LAC 33:V.Chapter 30 rather than LAC 33:V.Chapter 40 when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

**Note:** Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20(e).

#### **§4007. Prohibitions**

- A. Surface Impoundment Prohibition.** Used oil shall not be managed in surface impoundments or waste piles unless the units are subject to regulation under LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27-29, 31-33, 35, 37, and 43.

##### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

- B. Use as a Dust Suppressant.** The use of used oil as a dust suppressant is prohibited.

##### **Response**

Exide acknowledges that the use of used oil as a dust suppressant is prohibited. The Dust Suppression Operational Procedure is included in Appendix 13.



**C. Burning in Particular Units. Off-specification used oil fuel may be burned for energy recovery in only the following devices:**

- 1. industrial furnaces identified in LAC 33:V.109;**
- 2. boilers as defined in LAC 33:V.109 that are identified as follows:**
  - a. industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;**
  - b. utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or**
  - c. used oil-fired space heaters provided that the burner meets the provisions of LAC 33:V.4015.**
- 3. hazardous waste incinerators subject to regulation under LAC 33:V.Chapter 31 and Chapter 43.Subchapter N.**

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

**Subchapter B. Standards for Used Oil Generators**

**§4009. Applicability**

- A. General. Except as provided in LAC 33:V.4009.A.1-4, this Subchapter applies to all used oil generators.**
  - 1. Household Do-it-yourselfer Used Oil Generators. Household do-it-yourselfer used oil generators are not subject to regulation under LAC 33:V.Chapter 40.**
  - 2. Vessels. Vessels at sea or at port are not subject to LAC 33:V.Chapter 40.Subchapter B. For purposes of this Subchapter, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the person(s) removing or accepting used oil from the vessel are co-generators of the used oil and are both responsible for managing the waste in compliance with this Subchapter once the used oil is transported ashore. The co-generators may decide among them which party will fulfill the requirements of this Subchapter.**
  - 3. Diesel Fuel. Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles are not subject to LAC 33:V.Chapter 40 once the used oil and**

diesel fuel have been mixed. Prior to mixing, the used oil fuel is subject to the requirements of this Subchapter.

4. **Farmers.** Farmers who generate an average of 25 gallons per month or less of used oil from vehicles or machinery used on the farm in a calendar year are not subject to the requirements of LAC 33:V.Chapter 40.

**Response**

Exide is a used oil generator and acknowledges except as provided in LAC 33:V.4009.A.1-4, this subchapter applies to all used oil generators.

- B. Other Applicable Provisions.** Used oil generators who conduct the following activities are subject to the requirements of other applicable provisions of LAC 33:V.Chapter 40 as indicated in LAC 33:V.4009.B.1-5:

1. generators who transport used oil, except under the self-transport provisions of LAC 33:V.4017.A and B, must also comply with LAC 33:V.Chapter 40.Subchapter D;
2. generators who process or re-refine used oil must also comply with LAC 33:V.Chapter 40.Subchapter E, except as provided in LAC 33:V.4009.B.2.b. Generators who perform the following activities are not processors provided that the used oil is generated on-site and is not being sent off-site to a burner of on- or off-specification used oil fuel:
  - a. filtering, cleaning, or otherwise reconditioning used oil before returning it for reuse by the generator;
  - b. separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse pursuant to section 402 or section 307(b) of the Clean Water Act, LAC 33:IX, or other applicable federal or state regulations governing the management or discharge of wastewater;
  - c. using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation;
  - d. draining or otherwise removing used oil from materials containing or otherwise contaminated with used oil in order to remove excessive oil to the extent possible in accordance with LAC 33:V.4003.C; or
  - e. filtering, separating, or otherwise reconditioning used oil before burning it in a space heater pursuant to LAC 33:V.4015;
3. generators who burn off-specification used oil for energy recovery, except under the on-site space heater provisions of LAC 33:V.4015, must also comply with LAC 33:V.Chapter 40.Subchapter F;

4. generators who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in LAC 33:V.4005 must also comply with LAC 33:V.Chapter 40.Subchapter G; and
5. generators who dispose of used oil, including the use of used oil as a dust suppressant, must also comply with LAC 33:V.Chapter 40.Subchapter H.

**Response**

Exide acknowledges these provisions. However, Exide does not conduct any of the above activities.

**§4011. Hazardous Waste Mixing**

- A. Mixtures of used oil and hazardous waste must be managed in accordance with LAC 33:V.4003.B.

**Response**

Exide acknowledges that all mixtures of used oil and hazardous waste must be managed in accordance with LAC 33:V.4003.B.

- B. The rebuttable presumption for used oil of LAC 33:V.4003.B.1.b applies to used oil managed by generators. Under the rebuttable presumption for used oil of LAC 33:V.4003.B.1.b, used oil containing greater than 1,000 ppm total halogens is presumed to be a hazardous waste and, thus, must be managed as hazardous waste and not as used oil unless the presumption is rebutted. However, the rebuttable presumption does not apply to certain metalworking oils/fluids and certain used oils removed from refrigeration units.

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

**§4013. Used Oil Storage**

Used oil generators are subject to all applicable Spill Prevention, Control, and Countermeasures (40 CFR part 112) in addition to the requirements of this Subchapter. Used oil generators are also subject to the Underground Storage Tanks (LAC 33:XI) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subchapter.

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

- A. Storage Units. Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27-29, 31-33, 35, 37, and 43.**

### **Response**

Used oil will not be stored at Exide in units other than tanks, containers, or units subject to the regulations listed above.

Please refer to the Used Oil Plan in Appendix 18 for detailed information regarding used oil storage at Exide.

- B. Condition of Units. Containers and aboveground tanks used to store used oil at generator facilities must:**

- 1. be in good condition (no severe rusting, apparent structural defects or deterioration); and**
- 2. not be leaking (no visible leaks).**

### **Response**

All containers/aboveground tanks used to store used oil at Exide will be in good condition with no severe rusting, apparent structural defects or deterioration. The unit will not have any visible leaks.

- C. Labels**

- 1. Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."**
- 2. Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."**

### **Response**

Exide will label or mark clearly any container or aboveground tank used to store used oil with the words "Used Oil". Underground storage tanks to store used oil are not used at Exide.

- D. Response to Releases. Upon detection of a release of used oil to the environment which is not subject to the requirements of LAC 33:XI.715 and which has occurred after the effective date of the recycled used oil management program in effect in the state in which the release is located, a generator must perform the following cleanup steps:**

- 1. stop the release;**
- 2. contain the released used oil;**

3. clean up and properly manage the released used oil and other materials; and
4. if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

**Response**

Upon the detection of a used oil release to the environment, Exide will follow the provision listed in the Spill Prevention, Control and Counter Measures Plan (Appendix 16) including – stop the release, contain any released used oil, clean up and properly manage the released used oil and other materials. If necessary, the used oil storage unit will be repaired or replaced prior to returning to service.

**§4015. On-site Burning in Space Heaters**

Generators may burn used oil in used oil-fired space heaters provided that:

- A. the heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators;
- B. the heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and
- C. the combustion gases from the heater are vented to the ambient air.

**Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

**§4017. Off-site Shipments**

Except as provided in LAC 33:V.4017.A-C, generators must ensure that their used oil is transported only by transporters who have obtained EPA identification numbers.

- A. **Self-transportation of Small Amounts to Approved Collection Centers.** Generators may transport, without an EPA identification number, used oil that is generated at the generator's site and used oil collected from household do-it-yourselfers to a used oil collection center provided that:
  1. the generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;
  2. the generator transports no more than 55 gallons of used oil at any one time; and
  3. the generator transports the used oil to a used oil collection center that is registered, licensed, permitted, or recognized to manage used oil.

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

**B. Self-transportation of Small Amounts to Aggregation Points Owned by the Generator. Generators may transport, without an EPA identification number, used oil that is generated at the generator's site to an aggregation point provided that:**

- 1. the generator transports the used oil in a vehicle owned by the generator or owned by an employee of the generator;**
- 2. the generator transports no more than 55 gallons of used oil at any one time; and**
- 3. the generator transports the used oil to an aggregation point that is owned and/or operated by the same generator.**

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

**C. Tolling Arrangements. Used oil generators may arrange for used oil to be transported by a transporter who does not have an EPA identification number if the used oil is reclaimed under a contractual agreement according to which reclaimed oil is returned by the processor/re-refiner to the generator for use as a lubricant, cutting oil, or coolant. The contract (known as a "tolling arrangement") must indicate:**

- 1. the type of used oil and the frequency of shipments;**
- 2. that the vehicle used to transport the used oil to the processing/re-refining facility and to deliver recycled used oil back to the generator is owned and operated by the used oil processor/re-refiner; and**
- 3. that reclaimed oil will be returned to the generator.**

### **Response**

Exide acknowledges this provision. A copy of the Used Oil Plan is included in Appendix 18.

## **Subchapter C. Standards for Used Oil Collection Centers and Aggregation Points**

### **§4019. Do-it-yourselfer Used Oil Collection Centers**

**A. Applicability. This Section applies to owners or operators of all do-it-yourselfer (DIY) used oil collection centers.**

- B. DIY Used Oil Collection Center Requirements.** Owners or operators of all DIY used oil collection centers must comply with the generator standards in LAC 33:V.Chapter 40.Subchapter B and any applicable requirements set forth in LAC 33:VII.

**Response**

Exide is not a used oil collection center. Therefore, this subchapter does not apply.

**§4021. Used Oil Collection Centers**

- A. Applicability.** This Section applies to owners or operators of used oil collection centers. A used oil collection center is any site or facility that accepts/aggregates and stores used oil collected from used oil generators regulated under LAC 33:V.Chapter 40.Subchapter B who bring used oil to the collection center in shipments of no more than 55 gallons under the provisions of LAC 33:V.4017.A. Used oil collection centers may also accept used oil from household do-it-yourselfers.
- B. Used Oil Collection Center Requirements.** Owners or operators of all used oil collection centers must:
1. comply with the generator standards in LAC 33:V.Chapter 40.Subchapter B and any applicable requirements set forth in LAC 33:VII; and
  2. be registered, licensed, permitted, and/or recognized to manage used oil.

**§4023. Used Oil Aggregation Points Owned by the Generator**

- A. Applicability.** This Section applies to owners or operators of all used oil aggregation points. A used oil aggregation point is any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites owned or operated by the owner or operator of the aggregation point from which used oil is transported to the aggregation point in shipments of no more than 55 gallons under the provisions of LAC 33:V.4017.B. Used oil aggregation points may also accept used oil from household do-it-yourselfers.
- B. Used Oil Aggregation Point Requirements.** Owners or operators of all used oil aggregation points must comply with the generator standards in LAC 33:V.Chapter 40.Subchapter B and any applicable requirements set forth in LAC 33:VII.

## **Subchapter D. Standards for Used Oil Transporter and Transfer Facilities**

### **§4025. Applicability**

- A. General.** Except as provided in LAC 33:V.4025.A.1-4, this Subchapter applies to all used oil transporters.
- 1.** This Subchapter does not apply to on-site transportation.
  - 2.** This Subchapter does not apply to generators who transport shipments of used oil totaling 55 gallons or less from the generator to a used oil collection center as specified in LAC 33:V.4017.A.
  - 3.** This Subchapter does not apply to generators who transport shipments of used oil totaling 55 gallons or less from the generator to a used oil aggregation point owned or operated by the same generator as specified in LAC 33:V.4017.B.
  - 4.** This Subchapter does not apply to transportation of used oil from household do-it-yourselfers to a regulated used oil generator, collection center, aggregation point, processor/re-refiner, or burner subject to the requirements of LAC 33:V.Chapter 40. Except as provided in LAC 33:V.4025.A.1-3, this Subchapter does, however, apply to transportation of collected household do-it-yourselfer used oil from regulated used oil generators, collection centers, aggregation points, or other facilities where household do-it-yourselfer used oil is collected.

#### **Response**

Exide is not a used oil transporter. Therefore, this subchapter is not applicable.

- B. Imports and Exports.** Transporters who import used oil from abroad or export used oil outside of the United States are subject to the requirements of this Subchapter from the time the used oil enters and until the time it exits the United States.
- C. Trucks Used to Transport Hazardous Waste.** Unless trucks previously used to transport hazardous waste are emptied as described in LAC 33:V.109.*Empty Container* prior to transporting used oil, the used oil is considered to have been mixed with the hazardous waste and must be managed as hazardous waste unless, under the provisions of LAC 33:V.4003.B, the hazardous waste/used oil mixture is determined not to be hazardous waste.
- D. Other Applicable Provisions.** Used oil transporters who conduct the following activities are also subject to other applicable provisions of this Chapter as indicated in LAC 33:V.4025.D.1-5:



1. transporters who generate used oil must also comply with LAC 33:V.Chapter 40.Subchapter B;
2. transporters who process or re-refine used oil, except as provided in LAC 33:V.4027, must also comply with LAC 33:V.Chapter 40.Subchapter E;
3. transporters who burn off-specification used oil for energy recovery must also comply with LAC 33:V.Chapter 40.Subchapter F;
4. transporters who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in LAC 33:V.4005 must also comply with LAC 33:V.Chapter 40.Subchapter G; and
5. transporters who dispose of used oil must also comply with LAC 33:V.Chapter 40.Subchapter H.

#### **§4027. Restrictions on Transporters Who Are Not Also Processors or Re-refiners**

- A. Used oil transporters may consolidate or aggregate loads of used oil for purposes of transportation. However, except as provided in LAC 33:V.4027.B, used oil transporters may not process used oil unless they also comply with the requirements for processors/re-refiners in LAC 33:V.Chapter 40.Subchapter E.
- B. Transporters may conduct incidental processing operations that occur in the normal course of used oil transportation (e.g., settling and water separation), but that are not designed to produce (or make more amenable for production of) used oil-derived products unless they also comply with the processor/re-refiner requirements in LAC 33:V.Chapter 40.Subchapter E.
- C. Transporters of used oil that is removed from oil-bearing electrical transformers and turbines and filtered by the transporter or at a transfer facility prior to being returned to its original use are not subject to the processor/re-refiner requirements in LAC 33:V.Chapter 40.Subchapter E.

#### **§4029. Notification**

- A. **Identification Numbers.** Used oil transporters who have not previously complied with the notification requirements of LAC 33:V.Chapter 40 must comply with these requirements and obtain an EPA identification number.
- B. **Mechanics of Notification.** A used oil transporter who has not received an EPA Identification number may obtain one by notifying the administrative authority of their used oil activity by submitting a

completed Louisiana Notification of Hazardous Waste Activity Form (HW-1).

- C. Upon promulgation of this Chapter, used oil transporters and transfer facilities who have previously notified must renotify the administrative authority of used oil activity.
- D. Used oil transporters and transfer facilities must notify the administrative authority within seven business days if any of the information submitted in the application for the identification number changes.

#### **§4031. Used Oil Transportation**

- A. Deliveries. A used oil transporter must deliver all used oil received to:
  - 1. another used oil transporter, provided that the transporter has obtained an EPA identification number;
  - 2. a used oil processing/re-refining facility which has obtained an EPA identification number;
  - 3. an off-specification used oil burner facility which has obtained an EPA identification number; or
  - 4. an on-specification used oil burner facility.
- B. DOT Requirements. Used oil transporters must comply with all applicable requirements under the U.S. Department of Transportation regulations in 49 CFR parts 171-180. Persons transporting used oil that meets the definition of a hazardous material in 49 CFR 171.8 must comply with all applicable regulations in 49 CFR parts 171-180.
- C. Used Oil Discharges
  - 1. In the event of a discharge of used oil during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area, etc.).
  - 2. If a discharge of used oil occurs during transportation and an official acting within the scope of official responsibilities determines that immediate removal of the used oil is necessary to protect human health or the environment, that official may authorize the removal of the used oil by transporters who do not have EPA identification numbers.
  - 3. An air, rail, highway, or water transporter who has discharged used oil must:
    - a. give notice, if required by 49 CFR 171.15, to the National Response Center (800/424-8802 or 202/426-2675); and



rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- D. Record Retention.** Records of analyses conducted or information used to comply with LAC 33:V.4033.A-C must be maintained by the transporter for at least three years.

#### **§4035. Used Oil Storage at Transfer Facilities**

Used oil transporters are subject to all applicable spill prevention, control, and countermeasures (40 CFR part 112) in addition to the requirements of this Subchapter. Used oil transporters are also subject to the Underground Storage Tanks (LAC 33:XI) standards for used oil stored in underground tanks, whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subchapter. Used oil transfer facility status is contingent upon approval of the administrative authority.

- A. Applicability.** This Section applies to used oil transfer facilities. Used oil transfer facilities are transportation-related facilities, including loading docks, parking areas, storage areas, and other areas, where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under LAC 33:V.Chapter 40.Subchapter E.
- B. Storage Units.** Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27-29, 31-33, 35, 37, and 43.
- C. Condition of Units.** Containers and aboveground tanks used to store used oil at transfer facilities must:
1. be in good condition (no severe rusting, apparent structural defects or deterioration); and
  2. not be leaking (no visible leaks).
- D. Secondary Containment for Containers.** Containers used to store used oil at transfer facilities must be equipped with a secondary containment system.
1. The secondary containment system must consist of, at a minimum:
    - a. dikes, berms, or retaining walls; and
    - b. a floor. The floor must cover the entire area within the dikes, berms, or retaining walls; or
    - c. an equivalent secondary containment system.

2. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- E. Secondary Containment for Existing Aboveground Tanks. Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.**
1. The secondary containment system must consist of, at a minimum:
    - a. dikes, berms, or retaining walls; and
    - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
    - c. an equivalent secondary containment system.
  2. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- F. Secondary Containment for New Aboveground Tanks. New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.**
1. The secondary containment system must consist of, at a minimum:
    - a. dikes, berms, or retaining walls; and
    - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
  2. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- G. Labels**
1. Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."
  2. Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil."
- H. Response to Releases. Upon detection of a release of used oil to the environment which is not subject to the requirements of LAC 33:XI.715 and which occurred after the effective date of the recycled used oil**

management program in effect in the state in which the release is located, the owner/operator of a transfer facility must perform the following cleanup steps:

1. stop the release;
2. contain the released used oil;
3. clean up and manage properly the released used oil and other materials; and
3. if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

#### **§4037. Tracking**

**A. Acceptance.** Used oil transporters must keep a record of each used oil shipment accepted for transport. This record shall be in the form of a used oil reuse/recycle manifest obtained from the department. Records for each shipment must include:

1. the name and address of the generator, transporter, or processor/re-refiner who provided the used oil for transport;
2. the EPA identification number (if applicable) of the generator, transporter, or processor/re-refiner who provided the used oil for transport;
3. the quantity of used oil accepted;
4. the date of acceptance; and
5. except as provided in LAC 33:V.4037.A.5.b, the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/re-refiner who provided the used oil for transport. Intermediate rail transporters are not required to sign the record of acceptance.

**B. Deliveries.** Used oil transporters must keep a record of each shipment of used oil that is delivered to another used oil transporter or to a used oil burner, processor/re-refiner, or disposal facility. This record shall be in the form of a used oil reuse/recycle manifest obtained from the department. Records of each delivery must include:

1. the name and address of the receiving facility or transporter;
2. the EPA identification number of the receiving facility or transporter;
3. the quantity of used oil delivered;
4. the date of delivery;
5. except as provided in LAC 33:V.4037.A.5.b, the signature, dated upon receipt of the used oil, of a representative of the receiving

facility or transporter. Intermediate rail transporters are not required to sign the record of delivery.

- C. **Exports of Used Oil.** Used oil transporters must maintain the records described in LAC 33:V.4037.B.1-4 for each shipment of used oil exported to any foreign country.
- D. **Record Retention.** The records described in LAC 33:V.4037.A-C must be maintained for at least three years.

#### **§4039. Management of Residues**

Transporters who generate residues from the storage or transport of used oil must manage the residues as specified in LAC 33:V.4003.E.

### **Subchapter E. Standards for Used Oil Processors and Re-Refiners**

#### **§4041. Applicability**

- A. **The requirements of this Subchapter apply to owners and operators of facilities that process used oil. The requirements of this Subchapter do not apply to:**
  - 1. transporters that conduct incidental processing operations that occur during the normal course of transportation as provided in LAC 33:V.4027; or
  - 2. burners that conduct incidental processing operations that occur during the normal course of used oil management prior to burning as provided in LAC 33:V.4063.B.

#### **Response**

Exide is not a processor or refiner of used oil. Therefore, this subchapter is not applicable.

- B. **Other Applicable Provisions.** Used oil processors/re-refiners who conduct the following activities are also subject to the requirements of other applicable provisions of this Chapter as indicated in LAC 33:V.4041.B.1-5:
  - 1. processors/re-refiners who generate used oil must also comply with LAC 33:V.Chapter 40.Subchapter B;
  - 2. processors/re-refiners who transport used oil must also comply with LAC 33:V.Chapter 40.Subchapter D;
  - 3. except as provided in LAC 33:V.4041.B.3.a and b, processors/re-refiners who burn off-specification used oil for energy recovery

must also comply with LAC 33:V.Chapter 40.Subchapter F. Processors/re-refiners burning used oil for energy recovery under the following conditions are not subject to LAC 33:V.Chapter 40.Subchapter F:

- a. the used oil is burned in an on-site space heater that meets the requirements of LAC 33:V.4015; or
  - b. the used oil is burned for purposes of processing used oil which is considered burning incidentally to used oil processing;
4. processors/re-refiners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in LAC 33:V.4005 must also comply with LAC 33:V.Chapter 40.Subchapter G; and
  4. processors/re-refiners who dispose of used oil must also comply with LAC 33:V.Chapter 40.Subchapter H.

#### **§4043. Notification**

- A. **Identification Numbers.** Used oil processors and re-refiners who have not previously complied with the notification requirements of LAC 33:V.Chapter 40 must comply with these requirements and obtain an EPA identification number.
- B. **Mechanics of Notification.** A used oil processor or re-refiner who has not received an EPA identification number may obtain one by notifying the administrative authority of their used oil activity by submitting a completed Louisiana Notification of Hazardous Waste Activity Form (HW-1).
- C. **Upon promulgation of this Chapter,** used oil processors and re-refiners who have previously notified must renotify the administrative authority of used oil activity.
- D. **Used oil processors and re-refiners must notify the administrative authority within seven business days if any of the information submitted in the application for the identification number changes.**

#### **§4045. General Facility Standards**

- A. **Preparedness and Prevention.** Owners and operators of used oil processing and re-refining facilities must comply with the following requirements:
  1. **Maintenance and Operation of Facility.** Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned release of used oil to air, soil, or



surface water which could threaten human health or the environment;

2. **Required Equipment.** All facilities must be equipped with the following, unless none of the hazards posed by used oil handled at the facility could require a particular kind of equipment specified in LAC 33:V.4045.A.2.a-d:
  - a. an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
  - b. a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or emergency response teams;
  - c. portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
  - d. water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems;
3. **Testing and Maintenance of Equipment.** All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to ensure its proper operation in time of emergency;
4. **Access to Communications or Alarm System**
  - a. Whenever used oil is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in LAC 33:V.4045.A.2;
  - b. If there is ever just one employee on the premises while the facility is operating, the employee must have immediate access to a communication device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required in LAC 33:V.4045.A.2;
5. **Required Aisle Space.** The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and

decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes; and

**6. Arrangements with Local Authorities**

a. The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations:

- i. to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;
- ii. to designate primary emergency authority to a specific police and a specific fire department for those instances when multiple departments might respond to an emergency and to make further agreements with any other departments to provide support to the primary emergency authority;
- iii. to make agreements with emergency response teams, emergency response contractors, and equipment suppliers; and
- iv. to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility;

b. Where local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

**B. Contingency Plan and Emergency Procedures.** Owners and operators of used oil processing and re-refining facilities must comply with the following requirements:

**1. Purposes and Implementation of Contingency Plan**

- a. Each owner or operator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned release of used oil to air, soil, or surface water;
- b. The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of used oil which could threaten human health or the environment;

## **2. Content of Contingency Plan**

- a. The contingency plan must describe the actions facility personnel must take to comply with LAC 33:V.4045.B.1 and 6 in response to fires, explosions, or any unplanned release of used oil to air, soil, or surface water at the facility;**
- b. If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR chapter 1 part 112, or 40 CFR chapter V part 1510, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate used oil management provisions that are sufficient to comply with the requirements of this Chapter;**
- c. The plan must describe arrangements agreed to by local police departments, fire departments, emergency response teams, emergency response contractors, equipment suppliers, and hospitals to coordinate emergency services in accordance with LAC 33:V.4045.A.6;**
- d. The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator (see LAC 33:V.4045.B.5) and this list must be kept up-to-date. Where more than one person is listed, one must be named as primary emergency coordinator and the others must be listed in the order in which they will assume responsibility as alternates;**
- e. The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, internal and external communications and alarm systems, and decontamination equipment), where this equipment may be required. This list must be kept up-to-date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities;**
- c. The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of used oil or fires);**

## **3. Copies of Contingency Plan. A copy of the contingency plan and all revisions to the plan must be:**

- a. maintained at the facility; and**

- b. submitted to all local police departments, fire departments, emergency response teams, and hospitals that may be called upon to provide emergency services;
- 4. **Amendment of Contingency Plan.** The contingency plan must be reviewed and immediately amended, if necessary, whenever:
  - a. applicable regulations are revised;
  - b. the plan fails in an emergency;
  - c. the facility changes its design, construction, operation, maintenance, or other circumstances in such a way that materially increases the potential for fires, explosions, or releases of used oil or changes the response necessary in an emergency;
  - d. the list of emergency coordinators changes; or
  - e. the list of emergency equipment changes;
- 5. **Emergency Coordinator.** At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristic of used oil handled, the location of all records within the facility, and facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

**Note:** The emergency coordinator's responsibilities are more fully spelled out in LAC 33:V.4045.B.6. Applicable responsibilities for the emergency coordinator vary, depending on factors such as the type and variety of used oil handled by the facility and the type and complexity of the facility; and

- 6. **Emergency Procedures**
  - a. Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) must immediately:
    - i. activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
    - ii. notify appropriate local agencies that have designated response roles, if their help is needed.
  - b. Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact

source, amount, and the real extent of any released materials. He may do this by observation, review of facility records of manifests and, if necessary, chemical analyses.

- c. Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated or the effects of any hazardous surface water run-offs from water containing chemical agents used to control fire and heat-induced explosions).
- d. If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, then he must report his findings as follows:
  - i. if his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and
  - ii. he must immediately notify the state official designated as the on-scene coordinator for the geographical area. The report must include:
    - (a). name and telephone number of reporter;
    - (b). name and address of facility;
    - (c). time and type of incident (e.g., release, fire);
    - (d). name and quantity of material(s) involved, to the extent known;
    - (e). the extent of injuries, if any; and
    - (f). the possible hazards to human health or the environment outside the facility.
- e. During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other used oil or hazardous waste at the facility. These measures must include, where applicable, stopping processes and operation, collecting and containing released used oil, and removing or isolating containers.
- f. If the facility stops operation in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks,

pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

- g. Immediately after an emergency, the emergency coordinator must provide for recycling, storing, or disposing of recovered used oil, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.**
- h. The emergency coordinator must ensure that, in the affected area(s) of the facility:**

  - i. no waste or used oil that may be incompatible with the released material is recycled, treated, stored, or disposed of until cleanup procedures are completed;**
  - ii. all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed; and**
  - iii. the owner or operator must notify the administrative authority and appropriate local authorities that the facility is in compliance with LAC 33:V.4045.B.h.i and ii before operations are resumed in the affected area(s) of the facility.**
- i. The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report about the incident to the administrative authority. The report must include:**

  - i. name, address, and telephone number of the owner or operator;**
  - ii. name, address, and telephone number of the facility;**
  - iii. date, time, and type of incident (e.g., fire, explosion);**
  - iv. name and quantity of material(s) involved;**
  - v. the extent of injuries, if any;**
  - vi. an assessment of actual or potential hazards to human health or the environment, where this is applicable; and**
  - vii. estimated quantity and disposition of recovered material that resulted from the incident.**

#### **§4047. Rebuttable Presumption for Used Oil**

- A. To ensure that used oil managed at a processing/re-refining facility is not hazardous waste under the rebuttable presumption of LAC 33:V.4003.B.1.b, the owner or operator of a used oil processing/re-**

refining facility must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.

- B. The owner or operator must make this determination by:**
  - 1. testing the used oil; or**
  - 2. applying knowledge of the halogen content of the used oil in light of the materials or processes used.**
- C. If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste, which is listed in LAC 33:V.4901. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Third Edition, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents, which are listed in LAC 33:V.3105.Table 1). EPA Publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, Box 371954, Pittsburgh, PA 15250-7954. (202) 512-1800 (document number 955-001-00000-1).**
  - 1. The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if they are processed, through a tolling agreement, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed.**
  - 2. The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.**

#### **§4049. Used Oil Management**

Used oil processors/re-refiners are subject to all applicable Spill Prevention, Control, and Countermeasures (40 CFR part 112) in addition to the requirements of this Subchapter. Used oil processors/re-refiners are also subject to the Underground Storage Tanks (LAC 33:XI) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subchapter.

- A. Management Units. Used oil processors/re-refiners may not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27-29, 31-33, 35, 37, and 43.**
- B. Condition of Units. Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must:**

1. be in good condition (no severe rusting, apparent structural defects or deterioration); and
  2. not be leaking (no visible leaks).
- C. Secondary Containment for Containers. Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.**
1. The secondary containment system must consist of, at a minimum:
    - a. dikes, berms, or retaining walls; and
    - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
    - c. an equivalent secondary containment system.
  2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- D. Secondary Containment for Existing Aboveground Tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.**
1. The secondary containment system must consist of, at a minimum:
    - a. dikes, berms, or retaining walls; and
    - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
    - c. an equivalent secondary containment system.
  2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- E. Secondary Containment for New Aboveground Tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.**
1. The secondary containment system must consist of, at a minimum:
    - a. dikes, berms, or retaining walls; and



- b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
- c. an equivalent secondary containment system.

- 2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

**F. Labels**

- 1. Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."
- 2. Fill pipes used to transfer used oil into underground storage tanks at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."

**G. Response to Releases.** Upon detection of a release of used oil to the environment not subject to the requirements of LAC 33:XI.715 which has occurred after the effective date of the recycled used oil management program in effect in the state in which the release is located, an owner/operator must perform the following cleanup steps:

- 1. stop the release;
- 2. contain the released used oil;
- 3. clean up and manage properly the released used oil and other materials; and
- 4. if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

**H. Closure**

- 1. **Aboveground Tanks.** Owners and operators who store or process used oil in aboveground tanks must comply with the following requirements:
  - a. at closure of a tank system, the owner or operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under LAC 33:V.Subpart 1; and
  - b. if the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in LAC 33:V.4049.H.1.a, then the owner or operator must close the tank system and perform

post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (LAC 33:V.4501).

2. **Containers.** Owners and operators who store used oil in containers must comply with the following requirements:
  - a. at closure, containers holding used oils or residues of used oil must be removed from the site; and
  - c. the owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste, unless the materials are not hazardous waste under LAC 33:V.Chapters 1, 31, 41, and 49.

#### **§4051. Analysis Plan**

Owners or operators of used oil processing and re-refining facilities must develop and follow a written analysis plan describing the procedures that will be used to comply with the analysis requirements of LAC 33:V.4047 and, if applicable, LAC 33:V.4081. The owner or operator must keep the plan at the facility.

- A. **Rebuttable Presumption for Used Oil in LAC 33:V.4047.** At minimum, the plan must specify the following:
  1. whether sample analyses or knowledge of the halogen content of the used oil will be used to make this determination;
  2. if sample analyses are used to make this determination:
    - a. the sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:
      - i. one of the sampling methods in LAC 33:V.4901.Appendix D; or
      - ii. a method shown to be equivalent under LAC 33:V.105.H and I;
    - b. the frequency of sampling to be performed and whether the analysis will be performed on-site or off-site; and
    - c. the methods used to analyze used oil for the parameters specified in LAC 33:V.4047; and
  3. the type of information that will be used to determine the halogen content of the used oil.
- B. **On-specification Used Oil Fuel in LAC 33:V.4081.** At a minimum, the plan must specify the following if LAC 33:V.4081 is applicable:

1. whether sample analyses or other information will be used to make this determination;
2. if sample analyses are used to make this determination:
  - a. the sampling method used to obtain representative samples to be analyzed. A representative sample may be obtained using either:
    - i. one of the sampling methods in LAC 33:V.4901.Appendix D; or
    - ii. a method shown to be equivalent under LAC 33:V.105.H and I;
  - b. whether used oil will be sampled and analyzed prior to or after any processing/re-refining;
  - c. the frequency of sampling to be performed and whether the analysis will be performed on-site or off-site; and
  - d. the methods used to analyze used oil for the parameters specified in LAC 33:V.4081; and
3. the type of information that will be used to make the on-specification used oil fuel determination.

#### **§4053. Tracking**

- A. **Acceptance.** Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records shall take the form of a used oil reuse/recycle manifest obtained from the department. Records for each shipment must include the following information:
  1. the name and address of the transporter who delivered the used oil to the processor/re-refiner;
  2. the name and address of the generator or processor/re-refiner from whom the used oil was sent for processing/re-refining;
  3. the EPA identification number of the transporter who delivered the used oil to the processor/re-refiner;
  4. the EPA identification number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent for processing/re-refining;
  5. the quantity of used oil accepted; and
  6. the date of acceptance.
- B. **Delivery.** Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records shall take the

form of a used oil reuse/recycle manifest obtained from the department. Records for each shipment must include the following information:

1. the name and address of the transporter who delivers the used oil to the burner, processor/re-refiner, or disposal facility;
  2. the name and address of the burner, processor/re-refiner, or disposal facility who will receive the used oil;
  3. the EPA identification number of the transporter who delivers the used oil to the burner, processor/re-refiner, or disposal facility;
  4. the EPA identification number of the burner, processor/re-refiner, or disposal facility who will receive the used oil;
  5. the quantity of used oil shipped; and
  6. the date of shipment.
- C. **Record Retention.** The records described in LAC 33:V.4053.A and B must be maintained for at least three years.

#### **§4055. Operating Record and Reporting**

##### **A. Operating Record**

1. The owner or operator must keep a written operating record at the facility.
2. The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:
  - a. records and results of used oil analyses performed as described in the analysis plan required under LAC 33:V.4051; and
  - b. summary reports and details of all incidents that require implementation of the contingency plan as specified in LAC 33:V.4045.B.

##### **B. Reporting.** A used oil processor/re-refiner must report to the administrative authority, in the form of a letter, on a biennial basis (by March 1 of each even-numbered year), the following information concerning used oil activities during the previous calendar year:

1. the EPA identification number, name, and address of the processor/re-refiner;
2. the calendar year covered by the report; and

3. the quantities of used oil accepted for processing/re-refining and the manner in which the used oil is processed/re-refined, including the specific processes employed.

#### **§4057. Off-site Shipments of Used Oil**

Used oil processors/re-refiners who initiate shipments of used oil off-site must ship this oil using a used oil transporter who has obtained an EPA identification number.

#### **§4059. Management of Residues**

Owners and operators who generate residues from the storage, processing, or re-refining of used oil must manage the residues as specified in LAC 33:V.4003.E.

### **Subchapter F. Standards for Used Oil Burners Which Burn Off-specification Used Oil for Energy Recovery**

#### **§4061. Applicability**

A. General. The requirements of this Subchapter apply to used oil burners except as specified in LAC 33:V.4061.A.1 and 2. A used oil burner is a facility where used oil not meeting the specification requirements in LAC 33:V.4005 is burned for energy recovery in devices identified in LAC 33:V.4063.A. Facilities burning used oil for energy recovery under the following conditions are not subject to LAC 33:V.Chapter 40.Subchapter F:

1. the used oil is burned by the generator in an on-site space heater under the provisions of LAC 33:V.4015; or
2. the used oil is burned by a processor/re-refiner for purposes of processing used oil, which is considered burning incidentally to used oil processing.

#### **Response**

Exide does not burn used oil. Therefore, this subchapter is not applicable.

B. Other Applicable Provisions. Used oil burners who conduct the following activities are also subject to the requirements of other applicable provisions of this Chapter as indicated below:

1. burners who generate used oil must also comply with LAC 33:V.Chapter 40.Subchapter B;
2. burners who transport used oil must also comply with LAC 33:V.Chapter 40.Subchapter D;

3. burners who process or re-refine used oil must also comply with LAC 33:V.Chapter 40.Subchapter E, except as provided in LAC 33:V.4063.B;
  4. burners who direct shipments of off-specification used oil from their facility to a used oil burner or first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in LAC 33:V.4005 must also comply with LAC 33:V.Chapter 40.Subchapter G; and
  5. burners who dispose of used oil must comply with Chapter 40.Subchapter H.
- C. **Specification Fuel.** This Subchapter does not apply to persons burning used oil that meets the used oil fuel specification of LAC 33:V.4005, provided that the burner complies with the requirements of LAC 33:V.Chapter 40.Subchapter G.

#### **§4063. Restrictions on Burning**

- A. **Off-specification used oil fuel may be burned for energy recovery only in the following devices:**
1. industrial furnaces identified in LAC 33:V.4003;
  2. boilers, as defined in LAC 33:V.4003, that are identified as follows:
    - a. industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;
    - b. utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or
    - c. used oil-fired space heaters provided that the burner meets the provisions of LAC 33:V.4015; or
  3. hazardous waste incinerators subject to regulation under LAC 33:V.Chapter 31 or LAC 33:V.Chapter 43.Subchapter N.
- B. **With the following exception, used oil burners may not process used oil unless they also comply with the requirements of LAC 33:V.Chapter 40.Subchapter E. Used oil burners may aggregate off-specification used oil with virgin oil or on-specification used oil for purposes of burning, but may not aggregate for purposes of producing on-specification used oil.**

#### **§4065. Notification**

- A. **Identification Numbers.** Used oil burners which have not previously complied with the notification requirements of this Chapter must

comply with these requirements and obtain an EPA identification number.

- B. Mechanics of Notification.** A used oil burner who has not received an EPA identification number may obtain one by notifying the administrative authority of their used oil activity by submitting a completed Louisiana Notification of Hazardous Waste Activity Form (HW-1).
- C.** Upon promulgation of this Chapter, used oil burners which burn off-specification used oil for energy recovery and have previously notified must renotify the administrative authority of this used oil activity.
- D.** A used oil burner must notify the administrative authority within seven business days if any of the information submitted in the application for the identification number changes.

#### **§4067. Rebuttable Presumption for Used Oil**

- A.** To ensure that used oil managed at a used oil burner facility is not hazardous waste under the rebuttable presumption of LAC 33:V.4003.B.1.b, a used oil burner must determine whether the total halogen content of used oil managed at the facility is above or below 1,000 ppm.
- B.** The used oil burner must determine if the used oil contains above or below 1,000 ppm total halogens by:
  - 1. testing the used oil;
  - 2. applying knowledge of the halogen content of the used oil in light of the materials or processes used; or
  - 3. if the used oil has been received from a processor/ refiner subject to regulation under LAC 33:V.Chapter 40.Subchapter E, using information provided by the processor/re-refiner.
- C.** If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste, which is listed in LAC 33:V.4901. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Third Edition, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents, which are listed in LAC 33:V.3105.Table 1). EPA Publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, Box 371954, Pittsburgh, PA 15250-7954. (202) 512-1800 (document number 955-001-00000-1).
  - 1. The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if they are processed,

through a tolling arrangement as described in LAC 33:V.4017.C to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed.

2. The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.
- D. **Record Retention.** Records of analyses conducted or information used to comply with LAC 33:V.4067.A-C must be maintained by the burner for at least three years.

#### **§4069.Used Oil Storage**

Used oil burners are subject to all applicable Spill Prevention, Control, and Countermeasures (40 CFR part 112) in addition to the requirements of this Subchapter. Used oil burners are also subject to the Underground Storage Tank (LAC 33:XI) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subchapter.

- A. **Storage Units.** Used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 9, 15, 17, 19, 21, 23, 25, 27-29, 31-33, 35, 37, and 43.
- B. **Condition of Units.** Containers and aboveground tanks used to store oil at burner facilities must:
  1. be in good condition (no severe rusting, apparent structural defects or deterioration); and
  2. not be leaking (no visible leaks).
- C. **Secondary Containment for Containers.** Containers used to store used oil at burner facilities must be equipped with a secondary containment system.
  1. The secondary containment system must consist of, at a minimum:
    - a. dikes, berms, or retaining walls; and
    - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall.
  2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.



**D. Secondary Containment for Existing Aboveground Tanks. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.**

- 1. The secondary containment system must consist of, at a minimum:**
  - a. dikes, berms, or retaining walls; and**
  - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or**
  - c. an equivalent secondary containment system.**
- 2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.**

**E. Secondary Containment For New Aboveground Tanks. New aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.**

- 1. The secondary containment system must consist of, at a minimum:**
  - a. dikes, berms, or retaining walls; and**
  - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or**
  - c. an equivalent secondary containment system.**
- 2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.**

**F. Labels**

- 1. Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil."**
- 2. Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil."**

**G. Response to Releases. Upon detection of a release of used oil to the environment not subject to the requirements of LAC 33:XI.715 which has occurred after the effective date of the recycled used oil management program in effect for the state in which the release is located, a burner must perform the following cleanup steps:**

- 1. stop the release;**

2. contain the released used oil;
3. clean up and manage properly the released used oil and other materials; and
4. if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

#### **§4071. Tracking**

- A. **Acceptance.** Used oil burners must keep a record of each used oil shipment accepted for burning. These records shall take the form of a used oil reuse/recycle manifest obtained from the department. Records for each shipment must include the following information:
  1. the name and address of the transporter who delivered the used oil to the burner;
  2. the name and address of the generator or processor/re-refiner from whom the used oil was sent to the burner;
  3. the EPA identification number of the transporter who delivered the used oil to the burner;
  4. the EPA identification number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent to the burner;
  5. the quantity of used oil accepted; and
  6. the date of acceptance.
- B. **Record Retention.** The records described in LAC 33:V.4071.A must be maintained for at least three years.

#### **§4073. Notices**

- A. **Certification.** Before a burner accepts the first shipment of off-specification used oil fuel from a generator, transporter, or processor/re-refiner, the burner must provide to the generator, transporter, or processor/re-refiner a one-time written and signed notice certifying that:
  1. the burner has notified the administrative authority stating the location and general description of his used oil management activities; and
  2. the burner will burn the used oil only in an industrial furnace or boiler identified in LAC 33:V.4063.A.
- B. **Certification Retention.** The certification described in LAC 33:V.4073.A must be maintained for three years from the date the burner last

receives shipment of off-specification used oil from that generator, transporter, or processor/re-refiner.

#### **§4075. Management of Residues**

Burners who generate residues from the storage or burning of used oil must manage the residues as specified in LAC 33:V.4003.E.

### **Subchapter G. Standards for Used Oil Fuel Marketers**

#### **§4077. Applicability**

A. Any person who conducts either of the following activities is subject to the requirements of this Subchapter:

1. directs a shipment of off-specification used oil from their facility to a used oil burner; or
2. first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in LAC 33:V.4005.

B. The following persons are not marketers subject to this Subchapter:

1. used oil generators and transporters who transport used oil received only from generators, unless the generator or transporter directs a shipment of off-specification used oil from their facility to a used oil burner. Processors/re-refiners who burn some used oil fuel for purposes of processing are considered to be burning incidentally to processing. Thus, generators and transporters who direct shipments of off-specification used oil to processor/re-refiners who incidentally burn used oil are not marketers subject to this Subchapter; and
2. persons who direct shipments of on-specification used oil and who are not the first person to claim the oil meets the used oil fuel specifications of LAC 33:V.4005.

#### **Response**

Exide is a used oil generator. Exide does not direct any shipments of off-specification used oil from its facility to a used oil burner or does not first claim that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in LAC 33:V.4005. Therefore, this subchapter is not applicable.

C. Any person subject to the requirements of this Subchapter must also comply with one of the following:

1. LAC 33:V.Chapter 40.Subchapter B;
2. LAC 33:V.Chapter 40.Subchapter D;

3. LAC 33:V.Chapter 40.Subchapter E; or
4. LAC 33:V.Chapter 40.Subchapter F.

#### **§4079. Prohibitions**

**A used oil fuel marketer may initiate a shipment of off-specification used oil only to a used oil burner who:**

- A. has an EPA identification number; and**
- B. burns the used oil in an industrial furnace or boiler identified in LAC 33:V.4063.A.**

#### **§4081. On-specification Used Oil Fuel**

- A. Analysis of Used Oil Fuel. A generator, transporter, processor/re-refiner, or burner may determine that used oil that is to be burned for energy recovery meets the fuel specifications of LAC 33:V.4005 by performing analyses or obtaining copies of analyses or other information documenting that the used oil fuel meets the specifications.**
- B. Record Retention. A generator, transporter, processor/ re-refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the specifications for used oil fuel under LAC 33:V.4005, must keep copies of analyses of the used oil (or other information used to make the determination) for three years.**

#### **§4083. Notification**

- A. Identification Numbers. A used oil fuel marketer subject to the requirements of this Subchapter who has not previously complied with the notification requirements of this Chapter must comply with these requirements and obtain an EPA identification number.**
- B. A marketer who has not received an EPA identification number may obtain one by notifying the administrative authority of their used oil activity by submitting a completed Louisiana Notification of Hazardous Waste Activity Form (HW-1) EPA Form 8700-12.**
- C. Upon promulgation of this Chapter, used oil fuel marketers who have previously notified must renotify the administrative authority of used oil activity.**
- D. A generator must notify the administrative authority within seven days if any of the information submitted in the application for the identification number changes.**

#### **§4085. Tracking**

- A. Off-specification Used Oil Delivery.** Any used oil marketer who directs a shipment of off-specification used oil to a burner must keep a record of each shipment of used oil to that used oil burner. These records shall take the form of a used oil reuse/recycle manifest obtained from the department. Records for each shipment must include the following information:
1. the name and address of the transporter who delivers the used oil to the burner;
  2. the name and address of the burner who receives the used oil;
  3. the EPA identification number of the transporter who delivers the used oil to the burner;
  4. the EPA identification number of the burner;
  5. the quantity of used oil shipped; and
  6. the date of shipment.
- B. On-Specification Used Oil Delivery.** A generator, transporter, processor/re-refiner, or burner who first claims the used oil that is to be burned for energy recovery meets the fuel specifications under LAC 33:V.4005 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information:
1. the name and address of the facility receiving the shipment;
  2. the quantity of used oil fuel delivered;
  3. the date of shipment or delivery; and
  4. a cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under LAC 33:V.4081.A.
- C. Record Retention.** The records described in LAC 33:V.4085.A and B must be maintained for at least three years.

#### **§4087. Notices**

- A. Certification.** Before a used oil generator, transporter, or processor/re-refiner directs the first shipment of off-specification used oil fuel to a burner, he must obtain a one-time notice written and signed by the burner certifying that:
1. the burner has notified the administrative authority stating the location and general description of his used oil management activities; and

2. the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in LAC 33:V.4063.A.
- B. Certification Retention.** The certification described in LAC 33:V.4087.A must be maintained for three years from the date the last shipment of off-specification used oil is shipped to the burner.

## **Subchapter H. Standards for Disposal of Used Oil and Use as a Dust Suppressant**

### **§4089. Applicability**

The requirements of this Subchapter apply to all used oils that cannot be recycled and are therefore being disposed.

### **§4091. Disposal**

- A. Disposal of Hazardous Used Oils.** Used oils that are identified as a hazardous waste and cannot be recycled in accordance with this Chapter must be managed in accordance with the hazardous waste management requirements of LAC 33:V.Subpart 1.

#### **Response**

Exide understands that used oil that is identified as hazardous waste cannot be recycled and must be managed in accordance with the hazardous waste management requirements of LAC 33:VI.Subpart 1 and abide by this regulation.

- B. Disposal of Nonhazardous Used Oils.** Used oils that are not hazardous wastes and cannot be recycled under this Chapter must be disposed in accordance with the requirements of LAC 33:VII.

#### **Response**

Exide acknowledges this citation and will comply.

### **§4093. Use as a Dust Suppressant**

The use of used oil as a dust suppressant is prohibited.

#### **Response**

Exide will not apply used oil as a dust suppressant.

## **CHAPTER 41**

### **RECYCLABLE MATERIALS**

Exide acknowledges the information presented in Chapter 41. Exide reclaims and recycles spent lead-acid batteries and will meet the requirements presented in 33:V.Chapter 41 §4145.

## **CHAPTER 43**

### **INTERIM STATUS**

Currently Exide has interim status for the containment building and receives recyclable materials for storage prior to recycling. Pursuant to Chapter 41, the facility is currently operating under the applicable provisions of Chapter 43 of LHWR.



## **CHAPTER 49**

### **LISTS OF HAZARDOUS WASTES**

Exide acknowledges the information presented in Chapter 49. Please refer to the Part A Application dated August 2001.

## **CHAPTER 51**

### **FEE SCHEDULES**

Exide acknowledges the information presented in Chapter 51.

## **CHAPTER 53**

### **MILITARY MUNITIONS**

Exide acknowledges the information presented in Chapter 53. Exide does not recycle military munitions as a part of their regular operations. Therefore, this chapter is not applicable.